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JOURNALS

OF THE

PROVINCIAL CONGRESS,

PROVINCIAL CONVENTION,

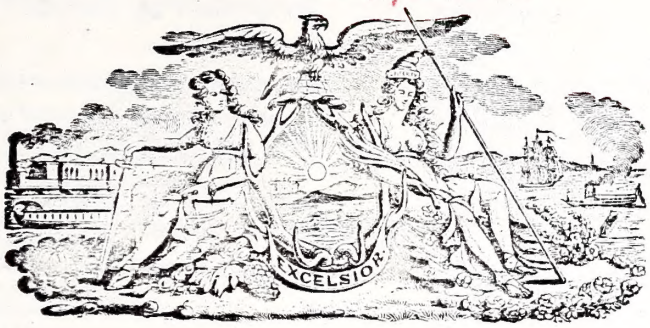
COMMITTEE OF SAFETY AND COUNCIL OF SAFETY

OF THE

N.Y. (State) Legis.

STATE OF NEW-YORK.

V. 1, pt. 2



1775–1776–1777.

1775-1777

Vol. I.

1775 - 1777

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Presented by H. B. Dawson Esq.
By his friend
L. S. Chatfield

JOURNAL

OF THE

PROVINCIAL CONVENTION.

1951848

JOURNAL

OF THE

PROVINCIAL CONVENTION.

TUESDAY AFTERNOON,

Augt. 20th, 1776.

The Convention met pursuant to adjournment.

Present—Abm. Yates, Junr. Esqr. *Prest. pro tem.*

Col. Broome, Mr. Dunscomb, Mr. Bancker, Mr. Jay, Mr. Roosevelt, (the last two absent on duty,)—*New-York.*

Mr. Sacket, Mr. Schenk, Mr. Landon—*Dutches.*

Mr. A. Yates, Mr. Bleecker, Mr. Adgate—*Albany.*

Mr. Sands, Mr. J. Townsend, Major Lawrence, Col. Blackwell, Mr. Sam. Townsend—*Queens.*

Mr. Smith, Mr. Hobart, Mr. Tredwell—*Suffolk.*

Genl. Morris—*Westchester.*

Mr. Duer—*Charlotte.*

Mr. Polhemus—*Kings.*

Colo. Dewitt, Mr. Contine, Col. Pawling—*Ulster.*

Col. Marsh, Mr. Stephens—*Cumberland.*

Mr. Newkirk—*Tryon.*

Resolved, That Dr. John Cregier be authorized to act as surgeon to Col. Levy Pawling's regiment in Genl. Clinton's brigade, until another surgeon shall be appointed to said regiment by this Convention.

Colo. Jacobus Swartwout attending, was admitted. He brought in the muster rolls of ten companies of his regiment now in service near King's Bridge, in Genl. Clinton's brigade. The said ten muster rolls were annexed together under seal in the Convention. Thereupon, the said Jacobus Swartwout, Esqr. being duly sworn on the Holy Evangelists, did depose and swear, that he hath, according to the best of his knowledge, truly mustered the ten companies now in service under his command as colonel; that the said ten muster rolls contain the names and rank of the officers, non-commissioned officers and privates of the said regiment, as the different companies appeared at the time of mustering each company respectively; and that the said regiment is near King's Bridge, as a part of Genl. Clinton's brigade. Col. Swartwout's affidavit is endorsed on the back of the said muster rolls, subscribed by himself and by Abm. Yates, Junr. Esqr. President *pro tempore.*

Resolved, That Colo. Josiah Smith be and he is hereby authorized to provide a surgeon for his regiment, and to procure a hospital for the reception of the sick.

A letter from William Miller, deputy chairman of the committee of safety for Westchester county, dated Augt. 17th, 1776, concerning some prisoners of war brought from Bedford to the White Plains, and tories lately confined in their jail, was read; and also a letter from said prisoners requesting subsistence money. Whereupon,

Resolved, That John McKesson and Robert Benson be the commissaries in this State to dispose of and provide for all prisoners of war within the same, agreeable to the resolutions of the Honourable the Continental Congress, of 21st May last, in that case made and provided; and also to dispose of and provide for such other prisoners within this State as may from time to time be committed to their care; that the said commissaries do keep a regular account or journal of their transactions and disbursements; and that this Convention will make them the said commissaries a reasonable compensation for their trouble and services in that department.

A letter from Jonathan G. Tompkins, dated Augt. 18th, 1776, relating to Josiah and Isaac Brown, imprisoned at White Plains, was received and read.

The petition of 15 prisoners confined in the jail at White Plains, presented by Mr. Miller, deputy chairman of Westchester county, wherein they represent that they are confined as persons dangerous to the safety of the State, and being desirous of being enlarged, they are willing to bind themselves either to aid in repelling the enemies of the State when necessary, or surrender themselves into the custody of any jailor as this or any future Convention or Legislature may direct, was read.

Whereupon Mr. Miller was called in and examined as to the said 15 prisoners, and testified in regard to them respectively, as follows, vizt:

"Joshua Purdy—has never been friendly to the American cause, is a man of influence and towards whom lenity would be advisable.

"Gabriel Purdy—has acted unfriendly to the cause of America.

"Caleb Morgan—he does not know, but has heard he is a tory.

"Of Wm. Barker, John McCord, John Baily, Bartw. Haynes and Joseph Purdy—he knows nothing favourable.

"Gilbert Horton is a man of no influence.

"Isaac Brown has been neutral. Josiah Browne says

he will join in the defence of the States, and has generally understood that he was a whig. Edmond Ward he don't know. Samuel Merrit has been active against, and Jonathan Purdy has been publicly inciting others to act against us. And as to Philip Fowler, he is reputed a bad man."

Which information being considered, the question was put, *shall any of the prisoners be released?* and passed in the negative in manner following, that is to say:

For the negative.		*For the affirmative.*	
Ulster,	4	Westchester,	4
Charlotte,	2	Queens,	4
Albany,	6		8
New-York,	8	Suffolk, only two members, no vote.	
Cumberland,	2		
	22		

Resolved, That the committee of safety of Westchester county be empowered, if they shall think it consistent with the safety or conducive to the advantage of the State, to release Joshua Purdy, Isaac Brown and Josiah Brown.

The credentials of Kings county was again taken into consideration and read, and the further consideration thereof deferred till the morning.

DIE MERCURII, 9 HO. A. M.

Augt. 21*st*, 1776.

The Convention met pursuant to adjournment.

PRESENT—Abraham Yates, Junr. Esqr. *Prest. pro. tem.*

Col. Broome, Mr. Dunscomb, Mr. Bancker, Major Van Zandt—*New-York.*

Mr. Sacket, Mr. Schenk—*Dutchess.*

Mr. Duer—*Charlotte.*

Mr. Abm. Yates, Mr. Adgate, Mr. Bleecker—*Albany.*

Col. Dewit, Mr. Contine—*Ulster.*

Colo. Marsh—*Cumberland.*

Mr. W. Smith, Mr. Tredwell, Mr. Hobart—*Suffolk.*

Dr. Outwater, Mr. Jo. Smith—*Orange.*

Mr. Newkirk—*Tryon.*

Judge Graham, Mr. Morris, Genl. Morris, Mr. Haviland—*Westchester.*

Mr. Jas. Townsend—*Queens.*

Mr. Tredwell informed the Convention that Capt. John Wisner of Orange county, appointed to command a company of the militia of that county ordered into actual service, has been and now is attending for money to discharge the bounty of his men, in order to enable them to purchase arms.

Ordered, That Peter Van B. Livingston, Esqr. as Treasurer, advance to Capt. John Wisner, $580, to enable him to pay one-half of the bounty to the non-commissioned officers and privates of his company, as part of the militia of Orange county, raised or to be raised agreeable to the resolutions of this Convention of the day of July last. Capt. Wisner to be accountable to this Convention or their order, and to the colonel of the regiment to which he belongs, for the disposition of that money.

AND WHEREAS the colonel of the regiment to which Capt. Wisner belongs, is at present on duty in Genl. Clinton's brigade:

Ordered, That Col. Allison and Colo. Hawthorne, or either of them, be, and are hereby appointed, authorized and requested to muster the men of Capt. Wisner's company previous to their receiving one-half of their bounty.

The credentials of the member from King's county were read and considered, and the question put whether the said credentials are sufficient, which was decided unanimously in the negative.

WHEREAS it appears by the credentials produced from Kings county to this Convention, that the election for Representatives in Convention, was not held at the time mentioned in the resolution of the late Congress for holding such election, nor in conformity to the said resolutions:

Resolved, therefore, That the said election was unlawful, and all and singular the matters and things thereby transcribed, merely void.

WHEREAS it is just and necessary that all the inhabitants of this State should be represented in this Convention at this very important crisis, when matters of the greatest moment to the present generation, and to all posterity, are more immediately in agitation: AND WHEREAS by reason of the irregularity of holding the election in Kings county, and of sundry defects in the credentials of the Representatives by the said county chosen, the said Representatives could not be received into this Convention:

Resolved, therefore, That the committee of the said county be required to hold an election according to the true intent and meaning of the resolutions of the 31st day of May last, on Saturday next the 24th inst.

Resolved further, That the committee of Kings county be informed that the credentials by them made and delivered to this Convention, bearing date the 19th inst. is materially defective, in that it does not appear from the said credentials whether any or what powers are given to the Representatives therein named, when, in fact, the said Representatives ought to be expressly authorized to assist in framing and establishing a new form of government, and consequently of agreeing on the part of their constituents to the general independency of America.

Ordered, That the aforegoing resolves be immediately transmitted to the committee of Kings county.

The committee to whom was referred the papers presented by John McDonald, on the subject of the lead mine in Dutches county, reported; which being considered was recommitted to the same committee, with the addition of Mr. Landon.

The committee to whom the report on the papers of John McDonald was recommitted, reported the following resolution, which was agreed to:

Resolved and Ordered, That the Treasurer of this State do advance to John McDonald, miner, the sum of £6, to enable him to advance to Donald Morrison 12*s.* a week for the term of ten weeks, unless the said Donald Morrison shall sooner be able to labour; that the said Donald Morrison do repay the money so lent to him either in money or labour, to the said McDonald; and the said John McDonald to be accountable to this Convention for the said sum of £6, provided the said Donald Morrison does not decease before he shall be able, by his labour, to earn or pay the whole, or any part of that money; in which case, the said John McDonald shall be liable to refund so much only of the said money as the said Donald Morrison has, or might have, earned by his labour.

Mr. Duer moved a resolution as to the prisoners in Westchester. After many debates Mr. Jay moved for the previous question, which was carried. Thereupon,

Resolved, That Mr. Jay, Mr. Morris and Mr. Duer be a committee to report upon the mode of confining, securing or otherwise disposing of the prisoners now taken up and confined in the jail of Westchester, by order of this Convention.

On motion of Mr. Duer,

Ordered, That Col. Curtenius, as Commissary of this State, be oredered to pay to Colo. Wm. Malcom, or his order, the sum of £60 5*s.* 0*d.* being the purchase money of 16 muskets and 5 bayonets disbursed by Capt. Jonathan Blake for the use of his company in Colo. Malcom's battalion, and the said Colo. Malcom do on the receipt of this money, give a receipt to Colo. Curtenius for 16 muskets, and 5 bayonets, specifying their marks and quality, that the said guns and bayonets may hereafter be paid for, or returned to the public store of this State, by the said Colo. Malcom.

WHEREAS, it has been represented to this Convention, that Colo. Josiah Smith's regiment, lately ordered to Genl. Greene's, encampment on Nassau island, are destitute of camp equipage:

Ordered, That Mr. Hubbard and Mr. James Townsend be a committee to inform the Continental quarter-master of the state of that regiment, and to request of him without delay to furnish them with proper camp equipage; and in case the said quarter-master should not be able or willing to afford them the said necessary supplies, that then the said committee take the most speedy and effectual means for obtaining them, and this Convention will defray the expense thereof, and add it to their account against the General Congress.

Ordered, That the said Colo. Smith be, and he hereby is authorized to appoint an adjutant and quarter-master to his regiment, and that he recommend to this Convention a surgeon for the same,

A letter dated the 12th inst. from Abm. C. Cuyler, John Duncan, Stephen Delancy, John Monier and Benjamin Hilton, prisoners sent and confined in Hartford jail by order of the committee of Albany, praying to be released from their disagreeable situation, was read. Also a letter from the said A. C. Cuyler, of the same date, requesting permission to return home to visit his sick wife, whom he represents as unable to take care of his children and large family, and in the mean time to settle some of his private affairs, was read.

Also a letter from Henry Van Schaack, another prisoner, sent to and confined at Hartford, declaring his innocence, and complaining of the injustice of his being transported thither under appearance of guilt, and praying to be suffered to appear before the Convention to be heard, and condemned or acquitted, was also read.

A copy of a letter from the said Henry Van Schaack, Andrew and Munro, to the committee of Albany, referred to in the preceding letter, was read.

Ordered, That the three letters last mentioned lie on the table for the perusal of the members.

By a letter from the committee of New Town, in Queens county, it appears that Capt. Richard Lawrence, commander of the troop of horse in said town, has, through infirmity, resigned. Thereupon,

Ordered, That commissions be immediately sent to Daniel Lawrence, as capt; Saml. Riker, as first lieut.; Jonathan Lawrence, 2d lieut.; Thomas Betts, cornet; pursuant to the recommendation of said committee.

THURSDAY MORNING,
August 22*d*, 1776.

The Convention met pursuant to adjournment, and at ring of bell.

PRESENT—Abm. Yates, Junr. Esqr. *Prest.*

Mr. Bancker, Col. Broome, Major. Van Zandt, Col. Brasher, Col. Scott on service, Mr. Beekman on service—*New-York.*

Mr. S. Townsend, Mr. Sands, Mr. Jas. Townsend on service—*Queens.*

Mr. A. Yates, Mr. Adgate, Mr. Bleecker—*Albany.*

Mr. Landon, Mr. Sackett, Major Schenk—*Dutchess.*

Mr. Newkirk—*Tryon.*

Mr. Smith, Mr. Tredwell, Mr. Hobart on service—*Suffolk.*

Mr. Haviland, Judge Graham, Genl. Morris—*Westchester.*

Mr. Duer—*Charlotte.*

Col. Dewit, Mr. Contine—*Ulster.*

Dr. Outwater, Mr. Jos. Smith—*Orange.*

Colo. Marsh—*Cumberland.*

A letter from Adjutant-Genl. Read, dated yesterday, enclosing, by the direction of Genl. Washington, for the perusal and advice of the Convention, a letter from Govr. Martin to the General, dated on board the Sovereign transport, on the 16th inst. wherein he requests that his wife and children, and all or any of his father-in-law's family, with whom they reside at Rockaway, may be permitted to go on board the fleet, and with great confidence expects a favourable answer, with such passports as General Washington shall judge expedient to enable him to open an immediate intercourse with his family, and to provide them the necessary facilities for going on board, were respectively read.

Thereupon a draft of a letter to Col. Read, in answer to his of yesterday, was read and approved, and is in the words following, vizt:

"*August 22nd*, 1776.

"SIR—I have laid your letter of the 21st inst. enclosing another from the late Govr. Martin, before the Convention of this State; the Convention are of opinion, that no great detriment can arise to the public cause in suffering the late Govr. Martin's wife and children to go to Staten island, and therefore cheerfully concur with His Excellency's inclination to grant this indulgence.

"With respect to his father-in-law and family, they do not conceive them entitled to the same favour, unless Lord Howe should be disposed to liberate Mr. Bancker, late a member of this Convention, and at present a prisoner upon his parol at Staten island, together with his family and Dr. Martin, a brother-in-law to it; particularly as the gentleman who has made the application is at present a prisoner of this State upon his parol, at Rockaway. I am, therefore, desired to entreat the favour of you to lay this matter before Genl. Washington, and to entreat the favour of him to propose this exchange to Lord Howe. Should a refusal be given to this exchange, the Convention are of opinion that none of the family should be permitted to depart, as they may be exchanged hereafter for more valuable citizens, whom the fortune of war may deliver into the enemey's power.

"I am, sir, your very hble. servt.

"By order.

"To Genl. REID."

The letter or report of Abm. W. Depeyster, Esqr. relative to the disposition of the prisoners in Connecticut, was read, and is in the words following, to wit:

"GENTLEMEN—In obedience to the orders received from the President of the Honourable Convention, I waited upon Govr. Trumbull at Lebanon, to take his directions for the disposition of the 13 prisoners left at Litchfield, when his honour was pleased to order that Gilbert Forbes and William Forbes should remain in Litchfield jail, in the custody of Lynde Lord, Esqr. the sheriff of that county; that D. Mathews, Esqr. should be rewoved from thence to Hartford jail, to the care of Williams, Esqr. sheriff of Hartford county; and that John L. C. Roome, Esqr. Nathl. Gyre, Lazarus Gyre, Jonathan Baker, James Mason, Isaac Young, Israel Young, Thomas Coyne, John Clarke and Thos. Vernon, be committed to the custody of Prosper Whetmore, Esqr. sheriff of the county of New-London, to be confined in the jail in the town of Norwich, in the said county.

"The Governor, at the same time, wrote letters of instructions to the sheriffs respectively, advising them of the manner in which the prisoners were to be treated.

"The one to the sheriff of Hartford county, respecting Mr. Mathews, the Governor informed me, contained a permission to let Mr. Mathews walk about the town in the day time, with some person as his guard, who he was to be at the expense of, and who was every evening to see him safe in his lodgings in jail, where I understand he was to have his quarters.

"As soon as the Governor dismissed me, I sat out for Litchfield. When I arrived there, I found that the committee of that town, in my absence, had permitted all the prisoners who had been put in close confinement, except Gilbert Forbes, to go at large about the town, as the keeping them shut up in jail would have endangered their lives.

"The sheriff had taken the two Youngs at his own house. Roome had his quarters in the jailer's apartments adjoining the jail. The others were at work in different places, some in harvest, and others at their respective trades as journeymen.

"Mr. Mathews, during my absence, I understand, had, agreeable to his promise, strictly confined himself to Capt. Seamour's house, in which I had left him. This change in the prisoners' situation from that in which they were when I left Litchfield, made the account I brought them of their removal, very unwelcome, and they now, to a man, solicited as much to remain at Litchfield as they had before to be conveyed to some other place.

"The mayor was very desirous indeed to remain at Litchfield, and urged as a reason, among many others, for his being left there, that he was not in very affluent circumstances, and he was apprehensive that living at Hartford would be very expensive; that he boarded at Capt. Seamour's at a moderate rate; that the expense of travelling was very high; that he did not know how long he would remain a prisoner, and therefore he was desirous to live at as little expense as possible; and as the Convention had been pleased to order that he should maintain himself at his own charge, he thought it not unreasonable that he should have liberty to live where he would be at the least expense; that Capt. Seamour would be his security, and undertake to keep him safe in his own house. Roome was equally anxious to remain at Litchfield, and offered the same reasons. At length, at the request of Capt. Seamour, and by consent of the committee of that place, I agreed to leave the above two gentlemen in the custody of Capt. Seamour, who engaged to be security for their safe custody, and to see them safe, at their own expense, to the places respectively assigned them by the Governor, in case either the Governor or the Convention, upon their being informed of what I had done, disapproved of their remaining at Litchfield; for which purpose, I left in Capt. Seamour's hands Mr. Mathews' warrant of commitment, together with the above mentioned letter to the sheriff of Hartford, to be delivered by him to the said sheriff in case the mayor should be ordered to Hartford. As the two Youngs were likewise to live at their own expense, the sheriff of Litchfield, at whose house I found them, thought it not amiss that they be also left, especially as they would be immediately under his eye, and kept by him confined within the walls of his house; unless when he, the sheriff thought proper to let them take a little air in the streets, when he would attend them himself. Upon this, and with the approbation of the committee, I agreed to leave the two Youngs also, upon the same condition as above mentioned, that they repair to Norwich under a guard at their own expense, in case the Governor or Convention insisted on their removal, which the sheriff promised me to see performed by them. I however directed Sheriff Lord to take bond from them in the penalty of £500, to be executed by them and their brother Joseph, who was expected at Litchfield the next day, with condition that they repair to Norwich, as aforesaid, as soon as advised thereof; that they in the mean time demean themselves as good subjects of the States; and lastly, that they strictly conform themselves to the directions of the said sheriff, as to their behaviour, which bond I prepared before I left Litchfield. As a farther security, I caused the Youngs to deposite into the hands of the sheriff the money they had with them, which I was told by the sheriff amounted to about £200. Soon after this I set out for Norwich with Nathan Gyre, Lazarus Gyre, James Mason, Jonthn. Baker, Thomas Coyne, John Clarke and Thomas Vernon, under a guard of three men, besides an officer; but we had not proceeded more than two miles from the town of Litchfield, before I was under a necessity to leave old Gyre upon the road, so very sick that had I conveyed him a mile farther, the tolting of the wagon over such rough and stony roads as we had to travel, would inevitably have deprived him of what little life he had left; the other six I conveyed safe to Norwich, and delivered into the custody of the sheriff of the county of New-London. In my way down to Norwich, I again called on the Governor, and acquainted him with my leaving the mayor, Roome and the two Youngs at Litchfield; he replied, it was very well; for his part he had no objections, provided the Convention of this State approved of it. He added, that the jails at Hartford and Norwich were small. Indeed, I found Hartford jail pretty full of prisoners, and Norwich but barely large enough to contain the six I left there. Upon my return again through Lebanon, the Governor made out a new warrant for old Gyre to be kept in custody of the sheriff of Litchfield, which was delivered to the said sheriff on my arrival there, and he accordingly took charge of him, so very ill however, that its more than probable he is now dead. Before I left Litchfield the last time, I discharged the sheriff's demands against the Convention for the support of the prisoners up to Augt. the 6th, for which I took his jailer's receipt. I have only to add, that the sheriff of New-London begged I would request the Convention of this State to send some money to Norwich for the support of the six prisoners I left with him, as soon as they conveniently could.

"I am, gentlemen, with the utmost respect,
"Your mo. obt. and very hble. servt.
"A. W. D. PEYSTER.

"*Harlem*, 21*st Augt.* 1776.
"The Honble. the Convention
of the State of New-York."

Ordered, That the said report be referred to the same committee to whom was referred the letter of David Mathews to his wife, and the letter of the committee of Litchfield.

A letter from Andrew Bostwick, dated at Goshen the 15th inst. enclosing a petition to the Convention, praying "for that relief which the tumults and convulsions of the times had hitherto prevented him from getting," was received, and the petition read.

Ordered, That it be referred to the committee appointed for the relief of prisoners imprisoned for debt.

The petition of Abel Noble and Peter Townsend, proprietors of Sterling Iron Works, praying that 150 workmen employed at their works, may be exempted from serving in the militia, was read.

Mr. Outwater, from the committee appointed to confer with Capt. Benson, reported, that Capt. Benson says he has made a thorough search for the articles ordered by the Committee of Safety for fitting out the vessels preparing for Hudson's river; that he requests to borrow the articles directed to be bought, (out of the Continental store at Poughkeepsie); that the sloops will be of no use but in the river, the beams of their decks not being substantial or strong enough to go to sea.

Ordered, That the consideration of said report be deferred until Mr. John Jay is present.

A draft of a letter to His Excellency Genl. Washington, relative to a report that the city of New-York was to be burnt if the troops left it, was read and approved, and is in the words following, that is to say:

[Letter not entered on the minutes.]

DIE JOVIS, 8 *ho. P. M. Augt.* 22*nd*, 1776.

The Convention met on a summons of the members and ring of the bell.

Col. Broome, Mr. Bancker, Mr. Jay, Col. Lott, Capt. Rutgers, Capt. Denning, Mr. Roosevelt, (last four on duty)—*New-York.*
Mr. Duer—*Charlotte.*
Mr. Adgate—*Albany.*
Mr. Sackett, Mr. H. Schenk—*Dutches.*
Mr. Outwater, Mr. Jos. Smith—*Orange.*
Mr. W. Smith, Mr. Tredwell, Mr. Hobart—*Suffolk.*
Mr. Sam. Townsend, Mr. Jos. Townsend, Mr. Ben. Sands—*Queens.*
Mr. Contine, Mr. Dewit—*Ulster.*
Mr. Zeb. Mills, Genl. Morris, Mr. Govr. Morris—*Westchester.*

Abraham Yates, Junr. Esqr. being absent, and the Convention suddenly and unexpectedly convened, William Smith, Esqr. was chosen President for this evening.

Mr. James Townsend and Mr. Hobart delivered a copy

of a letter from Brigadier-Genl. Livingston, of New-Jersey, to His Excellency Genl. Washington, which was read, and is in the words following, to wit:

"MAY IT PLEASE YOUR EXCELLENCY—

"In the utmost haste I must inform you that very providentially I sent a spy last night on Staten island to obtain intelligence of the movements of the enemy, as many things, apparently new, were seen from our lines; he has this moment returned in safety. The substance of his information I must give you in short. He went on Staten island about midnight, and got undiscovered to the house of the person to whom he was sent, who informed him that the whole force of the enemy, of every kind, was 35,000 men, 15,000 of whom were left on the island, but all the rest embarked; that they expected to attack every hour, he thinks this night at farthest; it was to be on Long island and up the North river that the 15,000 men were to land, and attack on Bergen Point, Elizabeth Town Point and at Amboy. He has heard the orders read and heard the Generals talk of it; the wagons are all laid out and ready; that they appear very determined, and will put all to the sword; they are in great want of provisions; pork tolerably good, but flour exceedingly bad; they have eat up all the cattle, and are now killing and barrelling up all the horses they meet with; all the field pieces are taken on board except two. The information may be depended on. £10 has been given for a cow and 10 dollars for a sheep; that the tories on the island are very illy treated lately, so that the inhabitants, who at first were so pleased, would now be willing to poison them all; they take from them every thing they choose, and no one has any thing they can call their own.

"I am with great respect, &c. &c.

"WILLIAM LIVINGSTON.

"*Elizth. Town, Augt. 21st, 1776.*"

Mr. Hobart further informed the Convention that the enemy are landed on Nassau island; that the rifle regiment are retreated to the lines; that the enemy have landed a party of light horse and between 30 and 40 pieces of artillery.

Ordered, That Mr. Hobart, Mr. Duer, Mr. Jay, Mr. Morris, Genl. Morris and Mr. Ben. Sands be a committee to take the said letter and intelligence into consideration, and report thereon to-morrow morning, and to write to Genl. Washington to know whether he desires Genl. Morris's brigade to be called out.

Ordered, That the Treasurer remove the treasury and papers and accounts near to the church in Harlem to-morrow morning.

Ordered, That Gerard Bancker remove all the books and papers of the late General Assembly of this State to Harlem to-morrow.

DIE VENERIS, 9 HO. A. M.

Augt. 23d, 1776.

The Convention met pursuant to adjournment.

PRESENT—Abm. Yates, Junr. Esqr. *Prest.*

Mr. Bancker, Col. Broome, Major Van Zandt, Mr. Dunscombe, Col. Brasher—*New-York.*

Col. Marsh, Mr. Stevens—*Cumberland.*

Mr. Yates, Mr. Adgate, Mr. Bleecker—*Albany.*

Mr. Sam. Townsend, Mr. Jas. Townsend—*Queens.*

Mr. Outwater, Mr. Jos. Smith—*Orange.*

Mr. Smith, Mr. Tredwell—*Suffolk.*

Col. Dewit, Mr. Contine—*Ulster.*

Mr. Newkirk—*Tryon.*

Major Schenk, Mr. Sacket, Mr. Landon—*Dutches.*

Judge Graham, Mr. Haviland—*Westchester.*

DIE VENERIS, 3 *ho. P. M. Augt. 23d*, 1776.

The Convention met pursuant to adjournment.

PRESENT—Abm. Yates, Junr. Esqr. *Prest.*

Col. Broome, Mr. Dunscomb, Col. Brasher, Mr. Bancker—*New-York.*

Mr. Sam. Townsend, Mr. Jas. Townsend, Mr. Ben. Sands, Major Lawrence—*Queens.*

Mr. Yates, Mr. Adgate, Mr. Bleecker—*Albany.*

Mr. Haviland, Judge Graham—*Westchester.*

Col. Marsh, Mr. Stevens—*Cumberland.*

Mr. Wm. Smith, Mr. Tredwell, Mr. Hobart—*Suffolk.*

Mr. Contine, Col. Dewit—*Ulster.*

Mr. Duer—*Charlotte.*

Mr. Schenk, Mr. Sacket, Mr. Landon—*Dutches.*

Mr. Outwater, Mr. Jos. Smith—*Orange.*

Mr. Duer, from the committee appointed to consider of and report on the letter from Brigadier-Genl. Livingston to His Excellency Genl. Washington, brought in the report of the said committee, which was read; the same being read a second time, and some time spent therein, Mr. William Smith moved, and was seconded by Mr. James Townshend, that the said report of the committee on the said letter be postponed for further consideration.

Debates arose thereon, and the question being put, it was carried in the negative in manner following, to wit:

For the negative.		*For the affirmative.*	
Albany,	6	Queens,	4
Cumberland,	2		
New-York,	8		
Orange,	3		
Charlotte,	2		
Dutches,	5		
Ulster,	4		
Suffolk,	4		
	34		

Therefore the said motion was rejected.

After much time spent on said report, on motion of Mr. William Smith,

Ordered, That the said report be committed to the Deputies from Suffolk and Queens, and that they report to-morrow morning. Mr. Duer, from Charlotte county, dissents.

Ordered, That Mr. Dunscomb and Mr. Robert Harper be added to the committee for removing the women, children and infirm persons out of the city of New-York.

DIE SABBATI, 9 HO. A. M.

Augt. 24th, 1776.

The Convention met pursuant to adjournment.

Present—Abraham Yates, Junr. Esqr. *Prest.*

Mr. R. Harper, Mr. Bancker, Col. Broome, Mr. Roosevelt, Mr. Dunscomb, Col. Lott, Capt. Rutgers, Capt. Denning, (last five on duty)—*New-York.*

Mr. Newkirk, Mr. Harper—*Tryon.*

Mr. Ab. Yates, Mr. Adgate, Mr. Bleecker—*Albany.*

Mr. Govr. Morris, Mr Haviland, Judge Graham—*Westchester.*

Mr. Duer—*Charlotte.*

Mr. Hobart, Mr. Tredwell, Mr. W. Smith—*Suffolk.*

Mr. Outwater, Mr. Wisner—*Orange.*

Mr. Stevens, Colo. Marsh—*Cumberland.*

Col. Dewitt, Mr. Contine—*Ulster.*

Major Schenk, Mr. Sacket, Mr. Landon—*Dutches.*

Mr. S. Townshend, Mr. Jas. Townshend, Mr. Ben. Sands—*Queens.*

On motion of Mr. Hobart,

Resolved and Ordered, That the members of Suffolk and Queens counties, now present, join the other members from those two counties now sitting as a committee to reconsider the report of the committee on the letter of Brigadier-Genl. Livingston to his Excellency General Wa-

shington, and the President and other members proceed as a Committee of Safety on all business relating to this State, or on which this Convention might proceed until members sufficient to form a Convention come in.

The committee, consisting of the members of Queens and Suffolk, came into the Convention without delay, and reported, in substance, the following resolutions, which being read and unanimously agreed to, are in the words following, to wit:

Resolved and Ordered, That Brigadier-Genl. Woodhull, or, in his absence, Lieut. Colo. Potter, march without delay one-half of the western regiment of militia of Suffolk county, with 5 days' provisions, into the western parts of Queens county, and that the officers of the militia in Queens county immediately order out the whole militia of that county, together with their troop of horse, and that the said officers of militia and troop of horse use all possible diligence to prevent the stock and other provisions in Queens county from falling into the hands of the enemy, either by removing them out of their way, or if that cannot be effected, by destroying them, until they shall receive more particular directions from this Convention. And,

Ordered farther, That the captain of the troop of horse in Kings county, with his troop, join the said militia, and that the inhabitants of Queens county, not of the militia, do assist in executing the above orders, whenever they shall have notice from the commanding officers of the militia that their assistance is necessary.

Ordered, That the Secretaries prepare several copies of these resolutions, and send them to Brigade Major Lawrence, in Queens county, and to Lieut. Col. Potter and Genl. Woodhull, in Suffolk county, by Samp. Dyckman, the messenger.

The members of Westchester and Charlotte counties having come into the Convention while the last resolutions were considering, there were members sufficient to form a Convention, which prevented the necessity of proceeding as a Committee of Safety, and abrogated their power.

The President informed the Convention that Dr. Treat has sent a quantity of medicines and hospital stores belonging to the public, to his, the President's, chamber in Harlem.

Thereupon, one of the members informed the Convention, that four of the members had directed them to be sent to the President at Harlem, as Dr. Treat thought they were not safe in the city, and a justification of their conduct in this matter.

The Convention approves and justifies their conduct in this matter.

A letter from the committee at Monmouth county, in the State of New-Jersey, in answer to one addressed to them by this Convention, was received and read, and is in the words following, to wit:

"In Committee of Monmouth County,
"*Freehold, August 17th*, 1776.

"Sir—We have received yours of the 26th ulto. enclosing the examination of Balthazer De Hart, and have much reason to expect and believe the contents truly stated. It has been, and still continues our misfortune, that many parts of this county are exceedingly infested with tories of the most inveterate disposition, owing we suspect in a great measure to the malign influence of our late attorney-general and his execrable junto.

"The township of Shrewsbury, from the bad disposition of a great proportion of its inhabitants—from its vicinity to the shore, and consequent aptitude for dealing and corresponding with the enemy—and all this under the patronage of such a committee as you may justly suppose a disaffected majority would naturally constitute—must naturally offer itself as an asylum to refugee tories from any other quarter; and hence you will easily account for so many disaffected persons from your city having seated themselves there, who by means of a kind of stage or post established between that town and New-York, have, we fear, given the enemy intelligence of all your measures, and may perhaps continue to do so, if passes from that committee are admitted at or near your city.

"We have the pleasure to inform you that having had a notification of almost every article contained in Mr. De Hart's examination, we had, previous to the receipt of your letter, entered fully into the affair, and taken such steps as we hope will cut off the communication with the enemy, bring some offenders to justice, and, perhaps, return you some of your late inhabitants. Particularly a guard had been already posted by order of Genl. Mercer upon the whole Shrewsbury and Middle Town shores, who have orders to seize and detain all the craft belonging to said shores, and to apprehend every suspicious person who may be found within their respective districts.

"There had been also apprehended a number of the inhabitants of Shrewsbury, against whom proofs of disaffection were proffered, some of whom we have bound in heavy bonds, and another, a person of first property in the town, is now under confinement, and we expect will take his trial upon the treason act as soon as our new Legislature shall be established. Persons by order of your Convention, and under appointment of this committee, have inventoried and appraised a number of estates in that and our other townships, which lately belonged to a set of refugees, who finding the country too hot for them have fled, and joined the ministerial army, which wicked and traitorous step some scores of our inhabitants have taken, though they were chiefly persons of the most abandoned characters and desperate fortunes.

"We have cited the three persons mentioned in your letter to have been at Genl. Howe's camp, and although they went by Col. Taylor's permission, who granted them a flag, yet, as they had not been qualified, we have put them under oath, but have not been able to make any very important discoveries. Not chosing to trust the business to the town committee for reasons before hinted, we had also before the receipt of your favour constituted a sub-committee from our own body, who were authorized to cite every inhabitant of New-York, then within the township of Shrewsbury, to appear before them, and show cause why they should not be immediately removed whence they came, agreeable to a late requisition from your State, and an express ordinance of our own respecting persons deserting the places of their abode, when in danger of being attacked; who have cited them accordingly, and given them till the 24th inst. to procure, if practicable, from New-York, such certificates as may satisfy the friends of freedom here.

"A number of armed vessels have frequently been for days together at anchor and hovering near the coast, and we doubt not, have had frequent interviews with, and received some supplies from, the disaffected in this county. But they have not as yet been able to effect any thing to purpose, and as our guards are now on the spot, and we have given peremptory orders that all the stock be immediately driven from all the beaches and adjacent meadows, we flatter ourselves the enemy will be disappointed in any future attempt they may make to procure provisions.

"Our maritime situation at the same time that it has been favourable to the pernicious designs of our inveterate enemies, has subjected the committee of this county to almost innumerable difficulties from the beginning of these troubles, and we believe we may justly say we have spent more time, and undergone more vexation and fatigue, than any other committee in this State, as on every extraordinary occasion, our members were to be convened from an extent of 70 or 80 miles.

"However, blessed be God, we hope we have almost completed a victory over them, and we humbly confide in his Almighty aid for a universal conquest over every other enemy to American freedom.

"We heartily thank you for your friendly communications, and shall, with the utmost cheerfulness, concur with you in every measure for the public safety.

"And now that the same Allwise Director and Powerful Supporter of true, civil and religious liberty, may bless the Convention of the State of New-York with unanimity, wisdom and fortitude in the arduous task assigned them, and that they may speedily obtain the desirable end of all their patriotic exertions, is in sincerity and truth the most ardent wish of their friends, brethren,

"And humble servts.

"The Committee of Monmouth county.

"Signed by order.

"JOHN HOLMES, *Chairman.*

"To the Prest. of the Convention of the State of New-York."

Ordered, That it be referred to a committee, to consist of Col. Broome and Colonel Dewitt.

A letter from the committee of the county of Cumberland was received and read, and is in the words following, that is to say:

"PROVINCE OF NEW-YORK, } ss.
Cumberland County. }

"*To the Honble. Gentlemen of the Provincial Congress of this Province:*

"Upon the handbills, from you sent to us purporting the expediency of instituting civil government according to the exigencies of the county, the major part of whom have agreed thereto, and elected their Delegates, and empowered them with their authority to agree with you in forming a mode of government independent of the Crown, in the most mild, just and equitable manner possible, for the regulating their internal police, and the preservation of the rights and liberties and property of the people. All which, subjected nevertheless to those regulations, conditions and restraints herewith transmitted you by the hands of the Delegates of this county, to all which they are, by their constituents in the premises, limited and restrained in such manner that if they break over and violate those sacred instructions herewith sent you in behalf of us and our constituents in matters of such infinite importance and delicacy, the county committee declare, in behalf of the free, patriotic people thereof, that they mean to, and hereby do, resolve to reserve to themselves the full liberty of an absolute disavowance thereof, and of every clause, article and paragraph of such an institution.

"Also, it is hereby acceded to, and fully meant and intended by the good people of the county, that they, notwithstanding this compliance with the requisition of the said handbills above mentioned, so directed to us for the purposes aforesaid, have fully and absolutely reserved to themselves and their heirs, &c. the full liberty of pursuing their former petition in behalf of the people, included and specified therein some years ago, and referred to the Great and General Assembly of the ancient, ever respectable, and most patriotic government of the Massachusetts Bay Province, that the whole district described in said petition, may be hereafter remitted to that Province, and referring to themselves also the right of offering their pleas, arguments and proofs, in full to induce a revision thereof, to that ancient jurisdiction for those important reasons to be adduced when, where and before whom the parties concerned shall be admitted to offer the same; as in duty bound shall ever pray.

"The whole whereof so as offered to you, ever respectable gentlemen, submitted with due congratulation of all the good people of said county.

"Per order of the county committee.

"JAMES CLAY,

"*Chairman of said Committee.*

"Copy compared with the original and extracted therefrom.

"Attest, "ELK. DAY,

"*Clerk of said Committee.*

"*West-Minster, June 21st, A. D.* 1776.

"Protests instantly entered.

"Elkanah Day,

"John Bridgnon, Esqr.

"John Norton.

(Fecit,) "ELK. DAY,

"*Clerk to said Committee.*"

Ordered, That the said letter be referred to a committee to consist of Mr. Morris, Mr. Duer, Mr. Hobart and Mr. Schenk.

DIE SABBATI, 4 *ho. P. M. Augt.* 24*th*, 1776.

The Convention met pursuant to adjournment.

PRESENT—Abm. Yates, Junr. Esqr. *Prest.*

Mr. Bancker, Mr. R. Harper, 5 members absent on business—*New-York.*

Genl. Morris, Mr. Haviland, Mr. Govr. Morris—*Westchester.*

Mr. Yates, Mr. Adgate, Mr. Bleecker—*Albany.*

Mr. S. Townshend, Mr. J. Townshend, Mr. Ben. Sands—*Queens.*

Mr. Tredwell, Mr. W. Smith, Mr. Hobart—*Suffolk.*

Mr. W. Harper, Mr. Newkirk—*Tryon.*

Mr. Stevens, Col. Marsh—*Cumberland.*

Mr. Sacket, Mr. Schenk, Mr. R. R. Livingston—*Dutches.*

Mr. Outwater, Mr. Wisner—*Orange.*

Mr. Duer—*Charlotte.*

Hugh Doyle, late a soldier in Capt. Palmer's company, in one of the regiments of this Colony attending, was admitted. He informed the Convention that he had lately been taken by the enemy, on Staten island, and detained a prisoner in irons 25 days; that by enlisting in the enemy's regiment of volunteers he had a dangerous opportunity, and made his escape on Wednesday last. He gave such information as he had to communicate.

Ordered, That Peter V. B. Livingston, Esqr. as Treasurer to this Convention advance to Hugh Doyle, 8 dollars to support him in his return to his family at New Haven.

Resolved and Ordered, That Peter Van B. Livingston, Esqr. as Treasurer of this Convention advance to Col. Isaac Nicoll, £72, to enable him to pay the one moiety of the bounty due to 18 privates of his regiment, and muster the said men. Col. Nicoll to be accountable to this Convention for the disposition of that money. And

Resolved, That Brigadier-Genl. Clinton be, and is hereby, requested to give out in orders that the colonels of the regiments in his brigade, who have not returned the muster rolls of their regiments to this Convention, do return the same immediately, in order that they may be mustered by a Continental muster-master, and receive the other moiety of their bounty money.

Capt. Benson having attempted, by order of the committee for obstructing the navigation of Hudson's river to purchase sails and rigging for two armed sloops, which can not be purchased,

Resolved, That the committee for stopping the channel in the East river be requested to furnish Capt. Henry Benson, on account of this State, with such rigging and other articles as he may want, and which are now in their possession, taken from the vessels by them employed in stopping the channel aforesaid.

A request of Major Hendrick Van De Linde Ver Bryck to Brigadier-Genl. Clinton, requesting a dismission from the present service on account of his ill state of health, was read and filed. Genl. Clinton's letter to Major Van Bryck, submitting his application to this Convention, was also read and filed.

Resolved, That this Convention consent to the dismission of Major Ver Bruyck from the present service, on account of his ill state of health, agreeable to his request.

Burnet Miller, Esqr. came into the Convention and took his seat as a Deputy of Suffolk county.

The committee consisting of the Deputies from Suffolk

and Queens counties, appointed yesterday evening to reconsider the report of the former committee on the letter of Genl. Livingston, to His Excellency Genl. Washington, brought in their report; eight paragraphs thereof, with the recital, being read, amended and agreed to, paragraph by paragraph, is in the words following, that is to say:

WHEREAS, the enemy's troops have landed on the western shore of Nassau island, and penetrated into the heart of Kings county, and this Convention have received intelligence that they are in extreme want of provisions and refreshments: AND WHEREAS it will be extremely difficult, if not impracticable, to prevent them from ravaging and plundering the southern part of the said island, whereby their present necessities may be greatly relieved, inasmuch therefore as it is the duty of this Convention to prefer the general cause of America to the interest and convenience of individuals:

1st. *Resolved*, That all the horses, horned cattle and sheep belonging to the south of the ridge of hills in Queens county, be forthwith removed and put into the fields at the east end of Hemstead Plains, there to be and remain under a sufficient number of keepers at the discretion of Brigadier-Genl. Woodhull, until he shall judge it necessary to remove them farther eastward, and when he shall think the same necessary that he do direct them to be drove into such part of Suffolk county as he shall think proper: Provided notwithstanding that nothing in this resolve shall extend to prevent each large family from retaining four milch cows, each middling family three, and each small family two, nor each farmer from retaining one pair of horses.

2d. *Resolved*, That it be recommended to the inhabitants of Queens county residing to the south of the ridge of hills, immediately to remove all their grain, now in the barns and barracks, to some convenient place at a distance from the buildings, that the same, without endangering the buildings, may be burnt whenever it shall be impracticable to prevent the enemy from getting possession of it.

3d. *Resolved unanimously*, That whenever Brigadier-Genl. Woodhull, or the commanding officer for the time being, shall judge that it is the design of the enemy to possess themselves of such grain, he do send a sufficient number of men to burn and destroy the same; and that the said General or commanding officer at the same time cause all the horses and cows which were left with the different families to be driven away or killed, and that all the mills at the same time be dismantled by taking and carrying away the upper stone.

4th. *Resolved unanimously*, That Brigadier-Genl. Woodhull, with the troops under his command, take post on the high grounds running through Nassau island, as near to the enemy as he may think expedient, for the purpose of opposing their incursions; and that whenever it shall appear probable to him that the enemy will gain possession of those heights and of the country to the northward and eastward of the same, he retreat, removing and destroying the stock and the grain, and dismantling the mills in manner above directed.

5th. *Resolved unanimously*, That such of the militia of Genl. Woodhull's brigade as are or shall be in actual service, shall be entitled to Continental pay and rations, agreeable to their respective ranks.

6th. *Resolved unanimously*, That Robert Townshend be a commissary to supply the brigade with provisions till such time as Genl. Washington shall give further orders for that purpose, and that Mr. Wm. Smith and Mr. Saml. Townshend be a committee to wait on Genl. Washington with a copy of these resolutions and submit the expediency and necessity of the same to his consideration and advice.

AND WHEREAS it will be extremely difficult if not impracticable to effect the good purposes of these resolutions without an additional force to the militia ordered out by a resolve of this morning for calling out a part of Genl. Woodhull's brigade:

Ordered, That the said committee submit to His Excellency's consideration the propriety of ordering Col. Smith's and Colo. Remsen's regiments of militia to join the said brigade.

Ordered, That the said committee do request Genl. Washington's opinion relative to the propriety of calling forth further detachments of the militia of this State into action, and if called out, to what place.

Ordered, That a copy of the foregoing resolutions be immediately transmitted to the Delegates of this State in the General Congress.

A letter from His Excellency Genl. Washington contradicting the report that New-York was to be abandoned and burnt, was received and read, and is in the words following, to wit:

"HEAD QUARTERS, NEW-YORK,
"*Augt. 23d*, 1776.

"GENTLEMEN—I am favoured with yours of the 22nd, acquainting me with a report now circulating, 'that if the American army should be obliged to retreat from this city, any individual may set it on fire.'

"I can assure you, gentlemen, this report is not founded upon the least authority from me; on the other hand, I am so sensible of the value of such a city, and the consequences of its destruction to many worthy citizens and their families, that nothing but the last necessity, and that such as should justify me to the whole world, would induce me to give orders for that purpose.

"The unwillingness shewn by many families to remove notwithstanding your and my recommendation, may perhaps have led some persons to propagate the report, with honest and innocent intentions. But as your letters first informed me of it, I cannot pretend to say by whom or for what purpose it has been done. As my views with regard to the removal of the women and children, have happily coincided with your sentiments, and a committee appointed to carry them into execution, I submit it to your judgment, whether it would not be proper for the committee to meet immediately in this city, and give notice of their attendance on this business. There are many who anxiously wish to remove but have not the means.

"I am with much respect and regard,
"Gentlemen, your mo. obt. and very hble. servt.
"GO. WASHINGTON.

"The Honble. the Convention of the
State of New-York."

DIE SOLIS, 8 HO. A. M.

Augt. 25th, 1776.

The Convention met pursuant to adjournment.

PRESENT—Abraham Yates, Junr. Esqr. *Prest. pro tem.*

Mr. Bancker, Mr. R. Harper, Mr. Roosevelt, Mr. Dunscomb, Col. Lott, Capt. Denning, Capt. Rutgers, (the five last on duty)—*New-York.*

Mr. Newkirk, Mr. Harper—*Tryon.*

Mr. Yates, Mr. Adgate, Mr. Bleecker—*Albany.*

Dr. Outwater, Mr. Wisner—*Orange.*

Mr. Duer—*Charlotte.*

Mr. Miller, Mr. Tredwell, Mr. Hobart—*Suffolk.*

Mr. Contine—*Ulster.*

Mr. J. Townsend, Mr. Ben. Sands—*Queens.*

Mr. Govr. Morris, Mr. Haviland, General Morris—*Westchester.*

Mr. Schenk, Mr. R. R. Livingston—*Dutches.*

Col. Marsh, Mr. Stevens—*Cumberland.*

The committee, consisting of the members of Queens and Suffolk counties, brought in the residue of the report of the committee on the letter of Brigadier-Genl Livingston, of the 21st inst. to Genl. Washington, which was adjourned over last evening for want of time.

The Convention took the same into consideration, and the following paragraphs thereof being read, amended, agreed to and resolved on, are as follows, to wit:

WHEREAS by reason of the cruel and unnatural invasion

now made upon this State, many of the inhabitants thereof may be compelled to abandon their peaceful habitations and be exposed to all the miseries of *want* and the horrors of *war*: And whereas the same regard to the rights of human nature which leads mankind to brave every danger and endure every distress in the great cause of freedom, teaches them to behold with pity, and [with] generosity to relieve the distresses of their fellow creatures, and since it is more especially the duty of those who are called on to superintend the general welfare of the State, to lighten as far as possible the burthen of calamity which oppresses their constituents: Therefore,

Resolved, That the several committees throughout this State be and they hereby are authorized and required to quarter upon the inhabitants of their respective counties and districts all such unfortunate persons as may, in consequence of the aforesaid invasion, be driven away from their places of abode, paying all possible regard to the conveniencies of such inhabitants; and that they do assess moderate prices to be paid to such inhabitants for the persons so quartered on them.

Resolved also, That such persons whose circumstances will admit, do maintain themselves and their families, and that this Convention will provide ways and means to defray the expense of maintaining the indigent. Provided always, that no person shall be deemed entitled to the public benevolence for more than ten days, unless he or she shall within that time produce a certificate of indigence from the chairman of the committee of the county or district where he or she formerly resided. And also, that no persons by virtue of their removal as aforesaid, shall be construed to gain a residence in the place to which they shall remove.

Resolved, That the several committees above mentioned do return monthly to this Convention an exact account of such indigent persons as shall appear to be entitled to the public benevolence, together with the names of the persons on whom they are quartered, and the contracts made for their maintenance, in order that this Convention or a future Legislature may make immediate provision for fulfilling such agreements.

Ordered, That the Secretaries prepare a copy of these resolutions to be immediately despatched to the chairman of the committee of Flushing.

MONDAY MORNING,

Augt. 26th, 1776.

The Convention met pursuant to adjournment.

Present—Abraham Yates, Junr. Esqr. *Prest. pro. tem.*

Mr. Bancker, Mr. Harper, Genl. Scott, Col. Remsen, Mr. Beekman—*New-York.*

Mr. Contine, Col. Pauling—*Ulster.*

Mr. Sam. Townsend, Mr. Jas. Townsend, Colo. Blackwell—*Queens.*

Mr. Yates, Mr. Bleecker, Mr. Adgate—*Albany.*

Mr. R. R. Livingston, Mr. Landon, Major Schenk—*Dutches.*

Col. Marsh, Mr. Stephens—*Cumberland.*

Mr. Smith, Mr. Tredwell, Mr. Gelston, Mr. Dearing, Mr. Miller, Mr. L'hommedieu—*Suffolk.*

Mr. Harper, Mr. Moore, Mr. Veder, Mr. Newkirk—*Tryon.*

Mr. Morris, Judge Graham, Mr. Haviland, Genl. Morris—*Westchester.*

Dr. Outwater, Mr. Wisner—*Orange.*

Mr. Duer—*Charlotte.*

Ordered, That Mr. Tredwell, Mr. Wm. Smith and Mr. Jas. Townsend be a committee to draw up and report instructions for Brigadier-Genl. Woodhull, and that they report with all convenient speed.

Mr. Govr. Morris from the committee appointed on the , brought in their report, which being read, amended and unanimously agreed to, is in the words following, that is to say:

Whereas divers persons who had been represented to this Convention as notoriously disaffected to the American cause, and whose going at large ought to be restrained, have, by order of this Convention, been arrested and now remain confined in the jails of some of the counties in this State: And whereas justice and the public safety demand that the degrees of restraint should be proportionate to the danger arising from the disaffection, evil dispositions and influence of the said prisoners:

Resolved unanimously, That the general committees of the counties in which they are so confined, being possessed of more knowledge of the characters and principles of each of the said prisoners than this Convention can readily acquire, be and they are hereby authorized and directed so to dispose of the said prisoners as that no undue and unnecessary severity be shown them on the one hand, and the safety of the public against their machinations provided for on the other. Provided always that the said committee shall not have power to liberate any person or persons who already have been or hereafter may be confined in jail for treasonable practices against the State.

Orderd, That copies thereof be sent to the county committees and published in all the newspapers.

On the application of Saml. Mabbit of Dutches county, who assures that he is about to erect a flaxseed mill in that county,

Resolved, That an exemption from military duty be granted to six persons who shall be employed in erecting a flaxseed mill and carrying on the business of said mill when the same shall be so erected. Provided that the names of such persons be registered with the brigadier-general of the county of Dutches, and that he be furnished with a copy of this resolution.

On reading the petition of Charles Shaw, the Convention came to the following determination:

Whereas Charles Shaw hath by his memorial presented to this Convention, averring his attachment to the American cause, shewn sufficient cause why he ought not to be compelled to actual service in the militia; upon consideration of the said memorial,

Resolved, That the said Chas. Shaw be exempted from such service.

General Morris suggested sundry reasons to the Convention for his attendance at Philadelphia.

Ordered, That General Morris attend at Congress at Philadelphia and return with all possible despatch.

The Convention were informed that the committee who were appointed for that purpose cannot proceed in the removal of the poor from the city of New-York without a supply of cash.

Ordered, That the Treasurer of this State advance to James Beekman, Esqr. one of the members of the committee appointed to remove the indigent women and children and infirm persons out of the city of New-York, the sum of £1,000, to enable the said committee to complete the business for which they were appointed.

A letter from Genl. Woodhull, dated at Jamaica, 25th Augt. was read.

Ordered, To be referred to the committee for drawing instructions for Genl. Woodhull.

The committee appointed to wait on Genl. Washington with the resolutions for calling out the Western Suffolk regiment and Queens county militia to prevent the stock falling in the enemy's hands, do report:

"That according to order they waited on his Excellency and conferred with him on the subjects above mentioned, and that he seemed well pleased, but said *he was afraid it was too late.*

"Your committee told him the Convention had sent an express to Genl. Woodhull on Saturday morning, to embody the western regiment of Suffolk, and all the remaining part of the militia of Queens, and march to the high grounds on the western part of said counties, but as the

said Convention was apprehensive that Genl. Woodhull would not have a sufficient force to drive off the stock and repel the ravaging parties of the enemy, thought it most conducive to the public welfare that the regiments above mentioned should be applied for, that he might thereby be enabled more effectually to carry the resolves of the Convention into execution. Upon which, Genl. Washington appeared well satisfied with the proceedings of the Convention, and said that he should at all times, when he had it in his power, be ready to give them any assistance consistent with the public good, and that he would immediately give orders that Col. Smith's and Remsen's regiments should march into Queens county to join Genl. Woodhull; and as to calling out any more of the militia, he asked what time we thought it would take to have the militia of Westchester county embodied? We told him we thought at least 4 or 5 days; upon which he made no reply.

"Your committee do further report, it was the General's opinion that our commissary should continue to supply the troops under Brigadier-Genl. Woodhull, and that he consult with the Commissary-General, that they might not interfere with one another in purchasing provisions.

"SAML. TOWNSEND,
"WILLIAM SMITH."

Ordered, That Col. Curtenius be and he hereby is requested to contract with proper persons for making 2,000 pouches with belts, without delay, and at the cheapest rate he can procure the same, and that he send 500 of them as soon as finished to Genl. Clinton's encampment, for the use of his brigade.

A letter from Gilbt. Livingston and Christopher Tappen, commissioners for building vessels at Poughkeepsie, wishing to be permitted to take their seats in Convention before the committee report a form of government, and suggest, as their opinion, that it would be well to secure a *State* to govern, before they discussed a form to govern it by, was read, and committed to Mr. R. R. Livingston and Mr. L'hommedieu.

Ordered, That Mr. L'hommedieu be added to the committee to draw instructions to General Woodhull.

Resolved, That the Rev. Mr. Joseph Treat continue his services as chaplain to Col. Lasher's and Col. Malcom's battalions in Brigadier-Genl. Scott's brigade, and that the Rev. Mr. John Eliot be chaplain to Col. Saml. Drake's and Col. Humphrey's regiments; Mr. Treat's pay to commence from the time of calling the said brigade into service, and Mr. Eliot's pay from the 7th inst.

Ordered, That Genl. Scott be and he is hereby authorized to receive out of the store of this State, such cots and half cots now in store, as he may find necessary for the use of the surgeon for dressing the wounded of his brigade, or as he may find otherwise necessary for the use of the sick, Genl. Scott giving a receipt for the same; and that Genl. Scott make such disposition of those cots in his brigade as he may think proper.

Ordered, That 50 blank commissions be sent to the committee of the county of Albany.

Ordered, That Mr. Adgate, Mr. Bleecker and Mr. Duer, be a committee to nominate a suitable character for major of a regiment of the militia in the county of Albany.

Ordered, That the nomination of the officers for the Albany Rangers, be committed to the same committee.

It was moved that 300 stand of arms be forwarded for the use of the militia of Glocester; being considered, it was referred to Mr. Duer, Mr. Hobart and the others of the committee appointed to hear their government application.

A letter from John Sleght, chairman of Kingston, was received and read, stating that the *women* surround the committee chamber, and say if they cannot have *tea*, their husbands and sons shall fight no more, was received and referred to the members attending from Ulster county.

WHEREAS the Convention have reason to suspect that a correspondence is carried on betwixt the enemy's army now on Nassau island and the family of Colo. Josiah Martin at Rockaway on said island: AND WHEREAS it is the duty of this Convention diligently to watch over and suppress every intercourse which may endanger the public good or safety: Therefore,

Resolved, That Brigadier-Genl. Woodhull be and he is hereby requested and authorized to cause the house of the said Colo. Josiah Martin immediately to be searched for papers by a discreet and spirited officer, who shall engage upon his word of honor to Genl. Woodhull, not to * * * any matters which may be contained in letters of a private nature, and to transmit to the Convention of this State every paper which may concern the public weal.

AND WHEREAS Dr. Saml. Martin, son to the said Col. Martin, is at present a prisoner upon his parol at Rockaway on Nassau island: AND WHEREAS, on account of the vicinity of the enemy's army, in which the said Dr. Martin has frequent and intimate connection, it would be inconsistent with good policy to suffer the said Saml. Martin to remain any longer upon his parol at said place: Therefore,

Resolved, That the said Brigadier-Genl. Woodhull be and he is hereby requested and authorized to cause the said Dr. Saml. Martin immediately to be apprehended and conveyed to this Convention, in order that he may be sent to reside in some more secure and distant place.

WHEREAS considerable expenses have accrued to this State in suppressing the designs of evil minded and disaffected persons against the the liberties of America: AND WHEREAS the public economy requires that such expenses should be restrained in the most exact manner, in order that such means may be devised for reimbursing the same as justice and sound policy may hereafter dictate:

Ordered, That the Treasurer of this Convention do keep a distinct and accurate account of all sums of money which already have been and may hereafter be disbursed by order of the Convention for the purpose of apprehending, securing and subsisting disaffected persons, and of quelling insurrections within this State.

A draft of a letter to Genl. Woodhull in answer to his received yesterday, was read and approved of, and is in the words following, vizt:

"*August 26th,* 1776.

"SIR—Yours of yesterday is just come to hand in answer to which we would inform you that Robert Townsend, the son of Saml. Townsend, Esqr. is appointed commissary for the troops under your command, of which we beg you would give him the earliest notice, and that we have made application to Genl. Washington for the regiments under the command of Cols. Smith and Remsen to join you; he assured our committee that he would issue out orders immediately for that purpose, and we expect that they are upon the spot by this time. You have, enclosed, some resolutions and orders for your more particular direction.

"Confiding in your known prudence and zeal in the common cause, and wishing you the protection and blessing of Heaven,

"We are, with respect,
"Your very hble. servants.

"Brigadier-Genl. WOODHULL.

"*P. S.* Genl. Washington desires that Mr. Townsend may consult with the Commissary-General, that they may not interfere in their purchases."

The committee appointed to draw instructions to Genl. Woodhull [brought in their report,] which was agreed to, and are in the words following, that is to say:

"You are hereby ordered with the troops under your command to take post on the heights near the western boundaries of Queens county, or in such other place or places in the counties of Queens, Kings or Suffolk, as you shall think most convenient for preventing the incursions and depredations of the enemy; and you are hereby empowered and directed to order out the whole or any further part

of the militia and other inhabitants of said counties when and where you shall think them necessary to protect the inhabitants removing, or destroy the stock and other provisions, and for the other purposes mentioned in the resolutions herewith sent you; you are also to do all in your power to prevent all intercourse with the enemy, by securing and sending to this Convention all such persons as shall be any way aiding or assisting them, or opposing any measures which have been or shall hereafter be directed by this Convention, and to search the houses of such persons for papers as you shall suspect to have had intelligence from the enemy; and you are also at liberty to mount on horseback any number of the militia that you may think necessary."

JOURNAL

OF THE

COMMITTEE OF SAFETY.

TUESDAY MORNING,
August 27th, 1776.

The Committee of Safety met.

Present—Mr. Tredwell, Mr. Hobart, Mr. Wm. Smith, Mr. Dearing, Mr. Jas. Townsend, Mr. Duer and Mr. R. R. Livingston.

Mr. Hobart was unanimously chosen Chairman.

Present—Colo. Dewitt, Mr. Adgate, Mr. Stevens, Mr. Wm. Harper, Major Parks, Colo. Marsh, Mr. Wisner, Junr. Mr. Bleecker, Mr. Yates who went to church, Mr. Mills, Mr. Lockwood, and Col. Van Cortlandt.

A letter from General Woodhull was received and read, and is in the words following, to wit:

"*Jamaica, August 27th*, 1776.

"Gentlemen—I am now at Jamaica with less than 100 men, having brought all the cattle from the westward and southward of the hills, and have sent them off with the troops of horse, with orders to take all the rest eastward of this place to the eastward of Hemstead plains, and to put them into the fields and set a guard over them. The enemy, I am informed, are intrenching from the heights near Howard's, southward. I have now received yours with several resolutions which I wish it was in my power to put in execution; but unless Cols. Smith and Remsen, mentioned in yours, join me with their regiments, or some other assistance immediately, I shall not be able, for the people are all moving east, and I cannot get any assistance from them. I shall continue here as long as I can, in hopes of a reinforcement, but if none comes soon I shall retreat, and drive the stock before me into the woods. Cols. Smith and Remsen I think cannot join me. Unless you can send me some other assistance, I fear I shall soon be obliged to quit this place. I hope soon to hear from you.

"I am, gentn. your mo. obt. hble. servant,
"NATHL. WOODHULL.

"The Honble. the Convention of the
State of New-York."

Major Lockwood informed the Committee that the enemy's ships are at White Stone. Thereupon,

Resolved and Ordered, That Mr. Hobart and Mr. R. R. Livingston, be a committee to wait on His Excellency General Washington, and confer with him relative to the state of Nassau island, and what measures may be necessary for distressing the enemy thereon, or defending or removing the inhabitants, and that they report the result of their deliberations thereon to this Committee, or the Convention of this State.

A letter from Capt. Denning was read, dated this day.

Ordered, That Capt. Rutgers be requested immediately to proceed to the city of New-York, and afford all possible aid, attention, direction and assistance in stopping, or impeding the navigation of the East river, and that he employ all such persons as he shall think proper, to give him aid.

Mr. Dearing was chosen Chairman unanimously in the room of Mr. Hobart.

Ordered, That copies of the resolution and letter of yesterday to Colo. Woodhull, be made, and sent by the express going to Long island.

On motion of Mr. Duer,

Resolved unanimously, That Colo. Drake, or the next commanding officer of the Westchester militia, do immediately call out as many of the militia with five days' provisions, as he shall think sufficient to watch the motions of the enemy's ships now in the Sound, and to prevent all communication with the disaffected inhabitants in said county, and that he send notice from time to time to the Convention, of every remarkable occurrence, and for that purpose that he is hereby empowered to press horses when he shall think it necessary.

Ordered, That the Secretary enclose a copy thereof in a letter to Colo. Drake.

Ordered, That Mr. Newkirk take that letter and show it to the commanding officer at Horn's Hook.

The application of Mr. Jonn. Platt for some commissions for officers in Colo. Thomas's regiment, was read.

An express arrived from New-London and communicated a copy of a letter from Erastus Wolcott to the committee of Say Brook, and is in the words following:

"*New-London, August 24th*, 1776.

"Gentlemen—Yesterday in the morning, appeared at the east end of Fisher's island, two of the enemy's armed frigates and a brig, and this morning they passed by this harbour, standing to the westward. I thought it best to give you this intelligence by express, that you may keep a good look out, and take what measures your prudence

will suggest, and must leave it to you whether or not to forward this from town to town by express, (if no direct opportunity offers;) this may much depend on what is already known of their being in the Sound, and by observing their motions.

"I am, gentlemen,
"With esteem and regard,
"Your obt. humble servt.
"ERASTUS WOLCOTT.

"To the Committee of Say Brook."

Mr. L'hommedieu moved, and was seconded, that His Excellency Genl. Washington be acquainted that the committee of Southold at the east end of Nassau island, have mounted four cannon as field pieces, vizt: 3 6-pounders, and 1 3-pounder, to prevent depredations of the enemy along the Sound, and to enable the inhabitants to make a stand at certain passes, and that His Excellency be requested to send a sufficiency of powder, ball and cartridge paper for the said cannon, to the care of Col. Livingston, and that Col. Teircy be directed to exempt such number of men from the common militia duty, as will be sufficient to manage said cannon; they keeping a number of horses ready to remove the said cannon to such places as shall be necessary. The said motion was unanimously agreed to.

Ordered, That Mr. R. R. Livingston, Mr. Schenk, Col. Broome, and Col. Remsen and Mr. Duer, be added to the committee of this morning, to whom was referred the letter from Kingston, received and read this morning.

Ordered, That Mr. Hobart, Mr. Dearing, Mr. L'hommedieu, Mr. Miller, Mr. Smith, and Mr. Van Wyck and Mr. Samuel Townsend, be a committee to report ways and means for the sale of fat cattle on Nassau and Shelter islands.

A letter from Capt. Cregier, about his privateer, was read.

Ordered, That a copy of the letter from Erastus Wolcot, dated New-London, Augt. 24th, 1776, be immediately transmitted by express to Brigadier-Genl. Woodhull, and that he be requested to cause all the stock on the seacoast of Long island, which are most exposed to the enemy's depredations, to be drove with all possible despatch so far into the interior part of the country as to be out of danger from the enemy.

Mr. Duer, Mr. R. R. Livingston, Mr. W. Smith, Mr. Hobart, James Townsend, Mr. Dearing and Mr. Tredwell, or any five of them, be a Committee of Safety until the next adjournment, or until there shall be members sufficient to form a Convention, and that all members who attend be members and have votes.

Ordered, That the committee appointed to report a form of government, postpone their report until Wednesday next.

TUESDAY AFTERNOON, *Augt. 27th*, 1776.

The Committee of Safety met.

PRESENT—Mr. Dearing, *Chairman*.

Mr. Smith, Mr. Duer, Major Parks, Mr. Harper, Mr. Yates, Mr. Bancker, Mr. Adgate, Col. Hoffman, Major Lockwood, Mr. Mills, Mr. L'hommedieu, Mr. Tredwell, Mr. Gelston, Mr. Rob. Harper, Mr. Miller.

Mr. Abraham Van Rants, of Brunswick, from whence he has just arrived in a boat with his family says, that he understood that last night 1,500 men surrounded the house of Mr. Duryee, (who lives about one mile to the southward of his house,) that they took away his arms, horses and wagon; that two companies of the militia in the neighbourhood of Bedford were disarmed, and perhaps taken prisoners.

Mr. Berrien, chairman of the New-York committee, and Mr. Campbell, applied for more money to enable them to remove the women, &c. and also for money to be sent to the places where they are sent to, to wit: New Windsor, Mamaroneck, New Rochel, Rye.

It being suggested that it will be proper to have a guard over the records this night,

Ordered, That Capt. Sampson Dyckman be requested to attend this Committee immediately.

Resolved, That the records and papers belonging to the Convention of this State, as also the chest belonging to the Receiver-General's office, be immediately conveyed to Genl. Clinton's encampment, at or near King's Bridge. And

Ordered, That one of the Secretaries do see them safely conveyed to the said encampment, and remain with them till further orders.

Ordered, That Mr. Isaac Willet be, and hereby is, authorized and empowered to procure or impress as many boats he possibly can, and proceed with them up the Sound to Genl. Clinton, and put them under his direction, and this Committee does hereby engage that the Convention of this State will bear and defray any expense or damage that may accrue thereby.

Ordered, That Col. Hoffman and Mr. L'hommedieu call on Capt. Shaw, and request him to spare as many men as he can to assist in taking the boats up to General Clinton.

Ordered, That Capt. Benson procure a guard of twenty men of his company to guard the store, and to watch if any of the enemy's boats should attempt to land at Harlem, and that he post a proper guard at the house of Mr. Bogart wherein the records of the Convention of the said State are kept.

WHEREAS the Committee of Safety have reason to suspect that Nichs. Covenhoven, Esqr. has given intelligence to the enemy of the resolutions of this Convention,

Resolved, That Capt. Benson be, and he is hereby, authorized immediately to apprehend the said Nichs. Covenhoven, and him safely to convey to the Convention of this State, in order that he may be examined on such matters as to them shall appear necessary.

Resolved, That Col. Pierre Van Cortlandt be, and he is hereby, requested and authorized to examine all papers in the custody of Nichs. Covenhoven, Esqr. and to transmit to the Convention of this State, all such papers as may in any wise concern the public weal.

A letter from Genl. Woodhull was received and read, and is in the words following, to wit:

"WESTWARD OF QUEENS COUNTY,
"*Augt. 27th*, 1776.

"GENTLEMEN—Enclosed I send you a copy of a letter, from Colo. Potter, who left me yesterday at 11 o'clock, after bringing about 100 men to me at Jamaica. Major Smith has, I expect, all the rest that was to come from Suffolk county. There has about 40 of the militia joined me from the regiments in Queens county, and about 50 of the troop belonging to Kings and Queens counties, which is near all I expect. I have got all the cattle southward of the hills in Kings county, drove to the eastward of the cross road, between the two counties; and have placed guards and sentries from the north road to the south side of the island in order to prevent the cattle going back, and to prevent the communication of the tories with the enemy.

"I am within about six miles of the enemy's camp; their light horse has been within about two miles, and unless I have more men our stay here will answer no purpose. We shall soon want to be supplied with provisions, if we tarry here.

"I am, gentlemen,
"Your mo. obt. hble. servant,
"NATHL. WOODHULL.

"The Honble. the Convention
of New-York, at Harlem."

JOURNAL

OF THE

PROVINCIAL CONVENTION.

WEDNESDAY MORNING,
Augt. 28th, 1776.

The Convention met pursuant to adjournment.

Present—ABRAHAM YATES, Junr. Esqr. *Prest.*

Mr. BANCKER, Major ABEEL, Mr. HARPER, Mr. JAY, Col. BRASHER, Mr. BEEKMAN—*New-York.*

Col. DRAKE, Mr. MILLS, Major LOCKWOOD, Col. VAN CORTLANDT, Mr. MORRIS—*Westchester.*

Mr. A. YATES, Mr. ADGATE—*Albany.*

Dr. OUTWATER, Mr. WISNER, Mr. LITTLE—*Orange.*

Mr. VAN WYCK, Mr. SAM. TOWNSEND, Mr. JAS. TOWNSEND, Major LAWRENCE—*Queens.*

Mr. HOBART, Mr. TREDWELL, Mr. MILLER, Mr. L'HOMMEDIEU, Mr. SMITH, Mr. DEARING, Mr. GELSTON—*Suffolk.*

Col. MARSH, Mr. STEVENS, Mr. SESSIONS—*Cumberland.*

Mr. LANDON—*Dutches.*

Col. DEWIT, Mr. WISNER, Junr. Major PARKS—*Ulster.*

Mr. MOORE, Mr. HARPER, Mr. VEDER—*Tryon.*

Mr. DUER—*Charlotte.*

The Convention were informed that Mr. Z. Mills stands in need of a further supply of cash to enable him to remove the military stores of this State, agreeable to a late order of this Convention.

Ordered, That the Treasurer of this Convention advance to Zebediah Mills, Esqr. the further sum of $10 to enable him to complete the order of this Convention for removing the military stores belonging to this Convention from the city of New-York to Westchester county, and take his receipt to be accountable for the same.

The proceedings of the Committee of Safety on yesterday were read to the Convention, approved of and confirmed.

Mr. Robert Harper, returned from Flushing and produced a receipt from John Talman, Esqr. chairman of Flushing, for £200, for supporting the poor and indigent persons sent thither from the city of New-York.

Ordered to be filed.

Genl. Woodhull's letter, received yesterday afternoon by the Committee of Safety, was again read and taken into consideration.

Major Lawrence gave the following intelligence: that Doctor Riker told him that a number of scattering troops had posted themselves on the ridge of hills between New Town and Jamaica; that they had been in many of the houses; had taken victuals and drink, but had not plundered, as he understood.

Ordered, That Major Lawrence wait on Genl. Washington with a copy of Genl. Woodhull's letter, and inform him that Colos. Smith and Remsen's regiments may be sent to join Genl. Woodhull by the way of Flushing, and by what means.

A draft of a letter to Genl. Washington, to be sent by Major Lawrence, was read and approved of, and is in the words following, that is to say:

"*Wednesday Morning, Augt. 28th,* 1776.

"SIR—I am commanded by the Convention to enclose to your Excellency the copy of a letter they received last evening from Genl. Woodhull.

"The Convention are of opinion that the enemy may be prevented from getting the stock and grain on Long island if the regiments under the command of Col. Smith and Col. Remsen be sent to join Genl. Woodhull. That this junction may be effected, and how, Major Lawrence (who is a member of this Convention and the bearer hereof) will inform your Excellency.

"I have the honour to be with great respect,

"Your Excellency's mo. obt. servt.

"By order.

"His Excellency Genl. WASHINGTON."

Ordered, That Mr. Van Wyck do repair immediately to Flushing to gain intelligence of the situation of the enemy and what places are now occupied by Genl. Woodhull; that he do with all possible expedition, despatch a boat to the Convention with the information he can collect; at the same time pointing out the most suitable place for the reinforcement to join Genl. Woodhull to land; and that he be empowered to impress boats, men and horses for carrying this order into execution.

Ordered, That Mr. Van Wyck and Major Lawrence have leave to employ Sa. Dyckman, the express, for a few hours.

WHEREAS this Convention has received information that John Rogers, a servant of Brigr. Genl. Morris, has manifested a disposition extremely inimical to the rights

and liberties of America, and that there is room to suspect that he will take the first oportunity to join the enemy.

Ordered, therefore, That Capt. Benson, of Harlem, be requested and directed to apprehend the said John Rogers, or cause him to be apprehended, and brought before this Convention.

The committee to consider of the letter from Robt. Yates and Gilbt. Livingston, members of the committee to obstruct Hudson's river, dated at the inst. reported a draft of a letter to the Delegates of this State at Congress, which was read and approved of, and is in the words following, that is to say:

"*Harlem, 28th Augt.* 1776.

"GENTLEMEN—The Convention of this State consider the fortification of Hudson's river and the obstructing its passage in the Highlands of the last importance, and have reason to believe that the Congress view it in the same light. They have appointed a committee to superintend that work, who inform them that they are greatly delayed for the want of smiths, unless they may be permitted to employ those that are now engaged in building the Continental frigate at Poughkeepsie, which, therefore, they desire you immediately to request of them.

"The Convention hope that you will succeed in your application, since the finishing the ships is of far inferior importance to the security of the river; and even were it otherwise in itself then, it must doubtless be so now, when the former will in all probability depend upon the latter. They beg that you will urge this matter as soon as possible, since you need not be informed that delay will work the same effect as a refusal.

"I have the honour to be gentlemen,

"Your mo. obt. hble. servt.

"By order.

"To the Delegates of the State of New-York at Congress."

Ordered, That a copy thereof be engrossed, and signed by the President, and transmitted.

Ordered, That Mr. L'hommedieu, Col. Dewitt and Mr. Wisner, be a committee further to consider and report on the said letter from the said committee at Poughkeepsie.

Ordered, That Capt. Rutgers and Mr. Landon be and are hereby requested and authorized to direct and manage the transportation of Col. Smith's and Col. Remsen's regiments, in the best and most convenient manner, to join Brigr. Genl. Woodhull; and for that purpose, that they be hereby authorized to impress boats and craft of any kind which they shall think proper.

Ordered, That Mr. Tredwell, Mr. Wisner and Mr. John Moore, be a committee to consider and report, whether any and what further means can be devised for supplying the troops raised in this State with clothing and blankets.

A letter from Genl. Woodhull, dated this day, was received and read, and is as follows, that is to say:

"*Jamaica, Augt. 28th*, 1776.

"GENTLEMEN—I wrote two letters to you yesterday, one by express and another by Mr. Harper, and also sent my brigade-major to you, to let you know my situation, and I expected an answer to some of them last night, but my express informed me he was detained till last night for an answer; I have now received yours of the 26th, which is only a copy of the last, without a single word of an answer to my letters or the message by my brigade-major.

"I must again let you know my situation; I have about 70 men and about 20 of the troop, which is all the force I have or can expect, and I am daily growing less in number; the people are so alarmed in Suffolk, that they will not any more of them march; and as to Colos. Smith and Remsen's regiments, they cannot join me, for the communication is cut off between us. I have sent about 1,100 cattle to the great fields of the plains yesterday, about 300 more is gone off this morning to the same place, and have ordered a guard of an officer and seven privates; they can get no water in those fields; my men and horses are worn out with fatigue. The cattle are not all gone off towards Hemsted; I ordered them yesterday, but they were not able to take them along. I brought yesterday about 300 from New Town. I think the cattle is in as much danger on the north as the south side, and have ordered the inhabitants to remove them, if you cannot send me an immediate reinforcement.

"I am, &c."

Ordered, That Mr. Hobart and Mr. James Townsend, as a committee of this Convention, be and hereby are directed to repair to Genl. Woodhull, with such instructions as the Convention shall think proper to give, and to assist him with their advice. And,

Ordered, That Genl. Woodhull and the said committee be and hereby are instructed that they cause all such stock and all such grain in Queens county and the western part of Suffolk county, as may be in danger of falling into the enemy's hands, and cannot be removed to places of safety, to be destroyed.

Ordered, That the said committee be and they hereby are impowered to impress horses, boats and persons to convey themselves to Genl. Woodhull with the utmost despatch. And,

Resolved, That the Convention will defray the expenses of the said committee in the premises.

A letter from D. Mathews, received by Mr. Depeyster, was read, and is as follows:

"SIR—I did myself the honour of addressing you by letter when I was brought to the White Plains, and have since taken the liberty of writing to Mr. Morris relative to my treatment; the answers to both which letters I now enclose you, it being a commitment issued by Mr. Trumbull. If this is to be my treatment, the Lord deliver me. I have been a crown officer upwards of 20 years, and was chief magistrate of the city of New-York and a subject of the King of Great Britain when I was taken, (Independence not being then declared,) and I am taught to believe that my rank was equal to any prisoner taken by the King's troops during this unhappy contest, and I believe you will not find such a commitment issued against any one of them that sustained the character of a gentleman. I had some hopes that the acquaintance you had in the family, would at least have obtained here the treatment of a gentleman; but it seems I have nothing to expect but what is due to the worst of felons; and had it not been for the kind interposition of Mr. Depeyster, (for whom I shall ever entertain the highest esteem,) I should, in all probability, have been in the land of spirits ere this.

"It amazes me to think that the State of New-York should send me to be dealt with as Mr. Trumbull should think proper. I was in hopes after Independence was declared, that nothing savouring of the extension of that ancient statute so justly complained of would have found the least footing in America. I conceive I was as much entitled to bail in the State of New-York as Mr. Sayre lately was in London; for I believe his crime and the witnesses to prove them were much alike. I offered any security; even some of the warmest Whigs would have been bail for my appearance whenever demanded. But it seems prison was the word, and every commitment sticks close to it.

"I assure you, sir, if I could have entertained the least idea of receiving the treatment I have received, I should have embraced the opportunity of giving that kind of bail which is commonly called leg bail—which I had frequent opportunities of doing after I was seized; but as I never could reconcile it to myself either to leave my family or join the King's army, and knowing at the same time that my departure would give my enemies every advantage they wished for, I rejected every proposal of that kind in full expectation that I should be done by, as those gentlemen would wish to be done by, were they so unfortunate as to

be taken prisoners. But it seems I expected too much; I have only now to make myself as contented as possible, for it would seem that I am fixed here for life, (as I am only to be delivered by due course of *law*.)

"I should not have troubled you, sir, with another letter, had I not been requested to inform you of my treatment, and as this will be the last I shall presume to trouble you with, I shall ask one favour, which is, that if I am not suffered to go to my family, I may be permitted to reside at Hartford on giving security (for my word of honour it seems, is of no validity in my own State,) to remain there, as I have some friends there who would accommodate me with the comforts of life, and I might there have an opportunity of seeing Mrs. Mathews. If this is thought unreasonable I shall say no more about it, and shall still remain one of those who wish that America may never lose her liberties nor her sons meet with oppression.

"I am, sir, your very humble obt. servant,
(Signed) "D. MATHEWS.

"*Litchfield, 12th Augt.* 1776.
"Genl. WOODHULL."

The copies of his commitment, a letter to Mrs. Mathews, and a letter from Moses Seymour, sheriff of Litchfield county, therein enclosed, were also read. Thereupon a draft of a letter to the said David Mathews was read and approved of, and is in the words following, to wit:

"*Wednesday morng. Augt. 28th*, 1776.

"SIR—The Convention direct me to inform you that they have received your letter to the President, and that they have examined also your letter to Mrs. Mathews. That you never was taken up as a British subject, nor to be considered as a prisoner of war—your rank therefore is immaterial. You well know the cause of that treatment which you deem so cruel. You well know that you stand charged with being concerned in a deep conspiracy against the rights and liberties of America, and however innocent you may be, it is the duty of the Convention that you be secured for trial; that you were privy to it in a great measure, you own examination evinces.

"The Convention direct me to remind you that you are not sent to Connecticut for trial, but for security. That they never heard of bail being taken in similar cases. That your fellow citizens would most probably upon your going at large, have been their own avengers. That you shall have a fair and candid trial when the exigencies of the State will permit; and that they have too great respect for the liberties of mankind to make any unnecessary inroads upon that *sacred ground*.

"What opportunities you may have had to escape, and what reasons to stay, the Convention do not know; but they know the charges against you and their duty to the public.

"The Convention do further direct me to assure you, sir, that they have not the least objection to inform, not only the British Governors and Generals, but all mankind, that they have taken precautions for their own safety, and confined persons accused of treasonable designs and conspiracies; and they do sincerely wish with you that America may never lose her liberties nor her *sons* meet with oppression.

"By order.

"D. MATHEWS, Esqr."

Ordered, That the same be engrossed, and signed by the President, and transmitted.

A letter to Govr. Trumbull on the same subject was read and approved of, and is in the words following, vizt:

"*Wednesday morning, Augt. 28th*, 1776.

"SIR—The Convention direct me to return your Honour their sincere thanks for the attention you have been pleased to pay to the prisoners we have been under the necessity of sending into your State. We now take the liberty of enclosing to your Honour the copy of an intercepted letter from D. Mathews, Esqr. to his wife, from which it appears that he deeply resents the treatment he received from the Convention. It is with the utmost regret that we feel ourselves under the necessity of requesting your Honour to secure that gentleman in such manner as to prevent his escape and all improper correspondence. The troubling you with our prisoners is a matter for which necessity alone can apologize.

"This State has suffered so much from disaffected persons that a greater degree of severity towards them would be justifiable, especially as all jointly hath been by them attributed to fear. Notwithstanding such high provocation, we have in no instance invaded the rights of humanity, it might therefore be expected that we should be surprised to see such a designed misrepresentation of our conduct, but nothing of this kind is new.

"The crime of which Mr. Mathews stands charged—which is no less than treason against the rights of America—and yet it seems that he considers his confinement as unjust. We are confident, sir, that in committing him to prison you will avoid every circumstance of unnecessary rigor, but the instance we enclose you of his unfriendly intentions demand that great care should be taken to prevent the character of these States from being unjustly stigmatized by such wilful misrepresentation.

"I have the honr. to be sir, &c.
"By order.

"Govr. TRUMBULL, &c."

A letter from Jos. Drake, at New Rochell, dated this day, was received and read in the words following, to wit:

"*New-Rochell, Augt. 28th*, 1776.

"SIR—I received the resolve of the Committee of Safety yesterday, enclosed to me by John McKesson, Esqr. Pursuant to my directions, I have ordered a party to guard from Ryeneck to Rodman's neck of the militia of this county. Colo. Graham's regiment is at present stationed at Frog's neck. The enemy lay yesterday and all last night by Hart island, this morning they removed a little to the southward of Miniford's island, where they at present lie; they have not been able to *plunder much*; they got from Mineford's island 4 horned cattle and some poultry, which is all we have been able to learn they have plundered. I immediately sent Capt. Hunt with about 50 men from New Rochel, who with the help of a part of Col. Graham's regiment, drove off all the cattle from the island, to the amount of 30 odd head. I should be glad to be informed if Col. Graham's regiment is to remain on Frog's neck, if that is not improper it will be a very great ease to the county at this season, especially as it will take almost all the militia to guard the whole. I conceive it will take nigh half of my regiment to guard from Rodman's point to the Snuff mills. Colo. Budd is to send 100 men and to guard from there to Rye neck.

"I find it very difficult for the men to provide 5 days' provisions at this time of the year; therefore I thought it proper to appoint Theos. Barlow commissary for the time being. I am apprehensive if ever I should come to an engagement with the enemy we should be in great want of *powder*, as we have not above 6 *rounds* a man for all the militia. You may rely on my utmost vigilance to frustrate the intentions of the enemy in all their motions, while here.

"From your very humble servant,
"JOESPH DRAKE."

Ordered to be referred to Mr. Morris and Mr. Jay.

On motion,

Resolved, That the Governor of Connecticut be requested to send unto Suffolk county 1,000 troops for the protection of the inhabitants and security of the stock on Nassau island, as the strength of Long island is now within His Excellency Genl. Washington's lines, and cannot be had.

A draft of a letter to several towns in Connecticut requesting their assistance in removing the stock from Long island, was read and approved of, and is in the words following, to wit:

"*Wednesday morning, Augt. 26th*, 1776.

"GENTLEMEN—The Convention of the State of New-York are under the melancholy necessity of again calling upon their sister States for their assistance in a matter in which not only they but the whole Continent are interested.

"The enemy who have landed upon Long island will, we fear, have it in their power to possess themselves of the whole stock, which amounts to between 80 and 100,000 of cattle and as many sheep; as our forces are confined to their lines, those articles will doubtless be of the greatest use to the enemy—for the want of some of them we know they are already distressed; we must therefore request you immediately to afford all the assistance in your power to forward the removal of the stock from the island, and to provide for them in your State, till some further direction can be given with respect to them, and to lend your aid to each of the inhabitants that may wish to remove. The importance of these objects need not be enlarged upon, nor need arguments be urged to induce you to every necessary exertion.

"The readiness and public spirit which the committees in Connecticut have ever shewn in carrying into execution all measures of public utility, leave us no room to doubt but that they will exert themselves on this occasion, which is of the utmost importance to the general cause of America.

"To the Chairman of Stonningtown, New London, Groton, Lyme, Seabrook, Guilford, New Haven, Stratford, Fairfield, Milford, Norwalk, Stanford and Horseneck, in the State of Connecticut, who are desired to forward the same."

A draft of a letter to Govr. Trumbull, on the same subject, was read and approved, and is as follows, to wit:

"*Wednesday morning, Harlem, 28th Augt.* 1776.

"SIR—Enclosed you have a copy of a letter which the Convention of this State have directed to the several committees of your State, requesting their assistance in removing the inhabitants and stock from Long island.

"The Convention are sensible that their first application should have been to Your Excellency, but necessity has obliged them to dispense with form, which they doubt not you will consider as a sufficient apology. The Convention, therefore, find themselves under a necessity of applying to Your Excellency for 1,000 men, or any greater force which can be speedily obtained, who they conceive may greatly contribute to the security of the island, and at the same time in some measure coöperate with our army on the lines, or at least greatly weaken the attack of the enemy.

"The militia of Long island are, for the most part, shut up within the lines, so that nothing can be done for its defence without your assistance.

"I have the honour to be, &c.

"By order.

"To His Excellency Govr. TRUMBULL,
Govr. of the State of Connecticut."

Ordered, That Mr. Gelston proceed to Connecticut with the letter to Govr. Trumbull and the committees, and that this Convention will bear his expenses.

WEDNESDAY, 5 *o'clock P. M.* 28*th Augt.* 1776.

PRESENT—Mr. Beekman, Mr. Rob. Harper, Mr. Jay, Mr. Bancker, Major Abeel—*New-York.*

Mr. S. Townsend—*Queens.*

Col. Marsh, Mr. Stevens, Mr. Sessions—*Cumberland.*

Mr. A. Yates, Mr. Adgate, Col. Van Rensselaer—*Albany*

Mr. R. R. Livingston—*Dutches.*

Mr. Duer—*Charlotte.*

Mr. Moore, Mr. Harper, Mr. Veder—*Tryon.*

Mr. Miller, Mr. Tredwell, Mr. Dearing, Mr. Gelston—*Suffolk.*

Mr. Morris, Col. Van Cortlandt, Major Lockwood, Col. Drake—*Westchester.*

Col. De Witt, Mr. Wisner, Junr. Major Parks—*Ulster.*

Mr. Outwater, Mr. Little, Mr. Wisner—*Orange.*

Mr. Jay and Mr. Morris reported two resolutions, and the draft of a letter to Colo. Drake, relative to the militia, and the appointment of Theodosius Bartow as Commissary *pro tem*, were read, and is in the words following, that is to say:

"*Thursday morning, Augt. 29th*, 1776.

"SIR—I am directed by the Convention to inform you, that they approve of your conduct relative to the defence of the coast, and refer the whole of that business, in General Morris's absence, to your direction. They confirm your appointment of Mr. Bartow as Commissary, and have enclosed an order on the Treasurer for 1,000 dollars. As to powder they are much at a loss, but have ordered Genl. Clinton to afford you all the supply which the store of this State will admit of.

"I am, very respectfully, sir,

"Yours, &c.

"By order.

"Col. JOSEPH DRAKE."

Resolved, That Theods. Bartow, Esqr. be empowered to act as commissary, (till further order,) to the militia employed to defend the coast of Westchester county, on the Sound; that he have an order on the Treasurer of this Convention for 1,000 dollars, and that he account for the same to this Convention, or the Legislature of this State, for the time being.

Resolved, That Genl. Clinton do furnish Col. Joseph Drake with such a quantity of cartridges, or powder and lead, out of the store of this State, in his possession, as he may think necessary to the defence of the coast of Westchester.

Ordered, That the Treasurer of this Convention advance to Theodosius Bartow, Esqr. the sum of 1,000 dollars, to enable him to execute the order of this day, appointing him to act as commissary to the militia employed to defend the coast of Westchester county, and take his receipt, to be accountable for the same.

The examination of Col. Covenhoven was read as follows:

"Left Long island on Sunday morning; came last from Wilpelmer's, Stothoof's island. On the day that the enemy landed, as he was returning from the lines he was taken by a party of the enemy; they treated him roughly, took from him his sword and cockade, and carried him to head-quarters; was politely received by Genl. Howe, who asked him if he would stay at home and send his produce, which he promised to do; he understood from the officers that 8000 men had landed the first day. They sent for him the second time on the same day; ordered him to get fowls, &c. under pretence of which he went off; got a horse and went to Genl. Washington, asked him what part he should take, who directed him to go back, and he was to collect information and send it to Genl. Washington, which he did, and got back without being missed; they never questioned him further. He afterwards met with some Hessians, who took him with them to get cows, and agreed among themselves to put him to death, after he had shown them the cows, as they were forbid to kill any cattle; they spoke this in the Hessian language; shewed them a cow and he left them; most of the stock had been driven off before. He then went to the Flatlands, where he saw many regulars; saw Govr. Tryon, but did not speak to him. Genls. Howe, Clinton and Puket, were on the island; the enemy were joined by a few people from the island; saw many people from Staten island not armed; left it on Sunday with a design to come to Congress; when got to McGowen's was arrested; does not think it safe Congress should continue here; they talked in the camp of landing above this; the party that carried him to Genl. Howe, carried also his sword and cockade, but it was not noticed by the General; heard at the Flatlands that 17 sail of transports were gone round in order to land at Morrisania. The enemy proposed to attack the lines the day after they landed, but were repulsed, and 17 Hessians killed.

Mr. Morris read two letters, whereby the Convention is informed that Capt. Berrien refused to pay any attention to the order of this Convention, exempting Mr. Chas. Shaw from military service, on the order which in like manner exempts R. Morris, Esqr.

Ordered, That Capt. Berrien do attend this Convention immediately, to show the cause of his conduct in the premises.

A letter from Genl. Washington received by Major Lawrence, was read, and is as follows:

"*Long island, Augt. 28th*, 1766.

"SIR—I was just now honoured with your favour of this date, with Genl. Woodhull's letter, and should esteem myself happy were it in my power to afford the assistance required, but the enemy having landed a considerable part of their force here, and at the same time may have reserved some to attack New-York, it is the opinion not only of myself but of all my general officers I have had an opportunity of consulting with, that the men we have are not more than competent to the defence of those lines, and the several posts which must be defended. This reason and this only prevents my complying with your request.

"I shall beg leave to mention in confidence, that a few days ago, upon the enemy's first landing here, I wrote to Govr. Trumbull recommending him to throw over a body of 1000 men on the island, to annoy the enemy in their rear, if the state of the Colony would admit of it; whether it will be done I cannot determine, that Colony having furnished a large proportion of men. I was, and still am, doubtful whether it could be done. If it could, I am satisfied it will, from the zeal and readiness they have ever shown to give every possible succour. I am hopeful they will be in a condition to do it, and if they are, those troops I doubt not will be ready and willing to give Genl. Woodhull any assistance he may want. But cannot the militia effect what he wishes to do? They, I believe, must be depended on in the present instance for relief.

"I have the honour to be,
"In great haste, sir,
"Your mo. obt. servant,
"GO. WASHINGTON.

"The Honble. ABM. YATES."

Mr. Duer moved the following resolutions, that is to say:

Resolved, That whereas from the vicinity of the enemy's ships of war now in the Sound, and the situation of their army on Nassau island, it would be very practicable for a small party of men to surprise this defenceless town, and to remove all its inhabitants: AND WHEREAS from the present invasion of this State, thereby cause the communication betwixt this Convention and their constituents to be cut off: Therefore,

Resolved, That the Convention of this State will forthwith adjourn from hence to

Mr. Jay moved that it be postponed until to-morrow. The previous question being put, (whether it be postponed until to-morrow,) it was carried in the negative, in manner following, to wit:

For		*Against.*	
Cumberland,	2	Ulster,	4
Westchester,	4	Charlotte,	2
	—	Orange,	3
	6	Albany,	6
		Tryon,	3
		New-York,	8
		Queens,	4
		Suffolk,	4
			—
			34

Mr. Livingston then moved that they would adjourn, to meet at Fishkill; and the question being put, it was carried in the affirmative, in manner following, to wit:

For the affirmative.		*For the negative.*	
Albany,	6	Westchester,	4
Orange,	3	Mr. Morris dissenting.	
Ulster,	4	Suffolk,	4
Tryon,	3	Queens,	4
New-York,	8	Charlotte,	2
Mr. Jay dissenting.		Cumberland,	2
	—		—
	24		16

THURSDAY MORNING,

Augt. 29th, 1776.

The Convention met pursuant to adjournment.

PRESENT—Abm. Yates, Esqr. *Prest.*

Mr. Bancker, Mr. Harper, Major Abeel—*New-York.*

Dr. Outwater, Mr. Little, Mr. Wisner, Junr.—*Orange.*

Col. Marsh, Mr. Sessions, Mr. Stephens—*Cumberland.*

Mr. Abm. Yates, Mr. Adgate, Col. Van Rensselaer—*Albany.*

Major Lockwood, Mr. Tomkins, Col. Van Cortlandt, Col. Drake, Mr. Morris—*Westchester.*

Mr. Duer—*Charlotte.*

Col. Dewitt, Mr. Wisner, Junr. Major Parks—*Ulster.*

Major Lawrence, Mr. Sam. Townsend—*Queens.*

Mr. Moore, Mr. Harper, Mr. Veder—*Tryon.*

Mr. Smith, Mr. Miller, Mr. L'hommedieu, Mr. Dearing, Mr. Tredwell—*Suffolk.*

Col. Hoffman, Mr. R. R. Livingston, Mr. Landon, Major Schenk—*Dutches.*

A letter from Mr. Van Wyck, at Flushing, who was sent yesterday from Congress, to inquire whether the communication between this and Jamaica is open and safe by the way of Flushing, was received. He mentions that the troops may pass safely that way, if they can be got there this evening; that the enemy's ships lie between Thorne's Point and Great Neck. Referred to Mr. Smith, Col. Hoffman and Mr. Tredwell.

Ordered, That the Treasurer of this Convention advance to Z. Platt, Esqr. the further sum of £700, to enable him to execute the order of this Convention, appointing him Commissary for the time being, to provide provisions for the troops under the command of Brigr. Genl. Clinton, and to pay for a quantity of boards purchased by virtue of said order, and take his receipt for the same.

Mr. Tomkins came into Convention and informed that Mr. Lownsbury was come into Westchester county with a commission from Genl. Howe to raise rangers; that a party of the militia went in pursuit of him, and were under the necessity of killing him, as he would not surrender; another was wounded, and 4 were taken prisoners, all his recruits.

The commission from Lord Howe, and other papers found on them, were read and filed. Committed to Col. Dewitt, Mr. Livingston and Mr. Tomkins.

On motion,

Resolved unanimously, That John McDonald, employed as a miner by this Convention, be directed to proceed upon a farther discovery for the space of 20 days, in exploring the lead mines in the Nine Partners, in Dutches county, then to return and report to this House; and that he be allowed 8*s.* per day, while so employed; and that he be allowed to employ 2 men besides himself, and that he be furnished with $\frac{1}{4}$ cwt. of powder.

The committee to whom was referred the letter from Mr. Van Wyck, brought in their report, as follows:

"Your committee, to whom was referred the consideration of the letter from Mr. Van Wyck, and several letters from General Woodhull, do report: that there would be danger of a letter's falling into the enemy's hands, and therefore, they think it best that a member be sent to him to give him an account of our proceedings, upon the subject of his letters, and, in confidence, of the substance of the letter we received from Genl. Washington."

Ordered, That Mr. Saml. Townsend be requested to proceed to Long island, on the above business.

The committee, to whom was referred the papers, &c. received from Mr. Tomkins, found upon Mr. Lownsbury, killed by a party of militia in Westchester county, report as follows:

"That the prisoners be kept in close custody till they are examined; that the chairman of the committee of Westchester county be requested to take the examination of the prisoners, and transmit them to the Convention of this State."

Ordered, That Bloomer Nelson, Saml. Haines, Josiah Disberry and Jacob Schureman, be committed to the jail at Kingston, in Ulster county, and there kept in close and secure custody till further order. And

Ordered further, That Col. Jos. Drake be directed to procure a proper guard and to see this order executed.

Ordered, That the Treasurer of this Convention pay to Jonathan Tomkins, Esqr. the sum of 20 dollars, to be by him delivered to Mr. Flood, as a reward for his spirited conduct in apprending Wm. Lownsbury, a notorious enemy to the cause of America, in Westchester county.

Mr. Harper, agreeable to notice given last night, moved for a reconsideration of the determination of the House last night, for removing the Convention to Fishkill.

Debates arose, and the question being put, it was as follows, that is to say:

For reconsidering.		*Against it.*	
Suffolk,	4	Albany,	6
Westchester,	4	Charlotte,	2
Queens,	4	Westchester,	4
Cumberland,	2	New-York,	8
		Tryon,	3
	14	Orange,	3
			26

Resolved, That the Convention will meet in the English church at Fish Kills on Monday next at 9 o'clock; that a Committee of Safety, to consist of Mr. Duer, Col. Van Cortlandt, Col. Van Rensselaer, Mr. Robt. Livingston and Major Schenk, with Mr. Yates, the President, be appointed to act for this State till Convention meets.

The Convention having been informed by their secret committee of the services of Capt. Hazelwood in preparing fire-rafts and giving useful information relative to the obstructing the navigation of Hudson river, think him entitled to the thanks of this House; and as a compensation for his expense and trouble,

Ordered, That the Treasurer of this Convention pay to the said Capt. Hazelwood the sum of $300, out of the treasury of this State, for his services as aforesaid.

Resolved, That a committee be appointed to consider what number of the militia can be speedily called out for the defence of this State.

Col. Hoffman, Mr. Wisner, Junr. Col. Dewit, Col. Van Cortlandt and Mr. Duer, were the said committee.

Resolved, That it be recommended to the inhabitants of Long island to remove as many of their women, children and slaves, and as much of their live stock and grain, to the main, as they can; and that this Convention will pay the expense of removing the same.

Ordered, That John Rogers, a servant man of Genl. Morris, apprehended by order of this Convention, as being notoriously disaffected, be conveyed under a proper guard to the jail in Westchester county, to be kept in close custody till further orders; and that Capt. Benson cause this order to be duly executed.

A letter from Peter T. Curtenius, with a list of articles, such as he contracted for by order of this Convention, was received and read, and is in the words following, to wit:

"*Harlem, Augt. 28th*, 1776.

"GENTLEMEN—I am in advance on account of the Convention above £4,000, and have engaged clothing and other articles to the amount of at least as much more. Should be glad this Honourable House would be pleased to give me an order on the Treasurer for £10,000, that I may be enabled to make good my engagements.

"I am, gentn. your mo. obt. servt.

"PETER T. CURTENIUS.

"P. S. Mr. Roosevelt has about £2,800, which he told me I could have, if the Convention would give me an order on him.

"A list of articles which I have contracted for and have in store, vizt: 1,500 pair buckskin breeches, 3,000 shirts, 200 doz. Germantown stockings, at Philadelphia; the last article something doubtful whether the whole quantity will be got; 1,000 yards linen given out to be made in shirts at Hackensack; 45 ps. oznaburgs, at old Mr. Paulding's, about 3,000 yards, may do to make shirts; 150 pr. leather breeches in my store; 600 pr. shoes in do. and can get about 2,000 pair more; 348 dressed deer skins at Hackensack; about 500 pr. buckskin breeches engaged in different parts of the county, and believe I can get more at Bethleham."

Resolved, That Peter T. Curtenius be empowered to borrow the sum of £10,000, and that the Convention of this State pledge the public faith to the persons of whom he may borrow this sum, for the repayment of the same, and that the receipt or receipts of the said Peter T. Curtenius, shall be vouchers to the person or persons of whom the whole or any part of this sum may be borrowed, and to the Treasurer of this Convention for payment of the same.

Ordered, That the Treasurer of this State and the Secretaries of the Convention do immediately remove with the treasury and records of this State to Fish Kills, in Dutches county, and that they there join the Convention at 9 o'clock on Monday next.

JOURNAL

OF THE

COMMITTEE OF SAFETY.

THURSDAY, A. M.

Augt. 29th, 1776.

Present—ABRAHAM YATES, Junr. *Prest.*

ROB. R. LIVINGSTON, Col. VAN CORTLANDT, Col. VAN RENSSELAER, Mr. W. DUER, Col. DEWITT, Mr. ADGATE.

A letter from Comfort Sands, Esqr. dated at New-Rochelle, yesterday, and sent by Mr. Danl. Redfield, informing the Committee that said Redfield was sent to be examined relative to the enemy's ships, and requesting the Committee to give him a permit to pass King's Bridge.

Danl. Redfield, being examined, says, that about 4 o'clock on Monday morning last, his sloop, going from New-York, was taken by the Brig Halifax, mounting 10 four pounders, Quorme, commander; that about 12 o'clock same day, they run his vessel, after having stripped her of the rigging, cable and anchor. The man who piloted the vessel was one Reed; the frigates were La Brun and the Niger; that the design of the enemy was to bring over their tories from Long island; that the ships of war were to run to King's Bridge, there to land their forces, and make a juncture with the other part of the army; that the enemy by this means would be able to cut off all communication with our army both by land and water, and oblige our troops in New-York to surrender. That the enemy had plundered Hart and City island; that he thinks they got about 12 or 14 head of cattle, besides sheep, ducks, &c.; that while he was on board several persons come on board from Long island; that on Tuesday a man came on board who said that the King's army had killed 1,300 of our men, and had gained the ground of our men; that one Barne came on board from the City island; that his partner, Stephen is kept on board in order to be exchanged for the mate of the Niger, who had been taken by the sloop Beverly and carried into Amboy. Says the private men were very inveterate against us; they did not use his person ill.

A letter from Colo. Drake on the same subject was also read.

HARLEM, *Augt. 29th*, 1776.

The Committee of Safety met.

PRESENT—Abraham Yates, Junr. Esqr. *Presidt.*

Col. Van Cortlandt, Col. Van Rensselaer, Mr. Robt. R. Livingston, Mr. Duer, Mr. Bleecker.

Colo. Phenchas Fanning waited on the Committee with a letter from Colo. Josiah Smith, colonel of the drafts of the militia of Suffolk, Queens and Kings counties, stationed at Brookland, in Kings county, informing the Committee that his regiment is ordered by Genl. Washington to withdraw from Long island, and wait the further orders of the Convention of this State. Thereupon it was

Ordered, That Colo. Josiah Smith do, with all possible despatch, march his regiment to Horn's Hook, there to receive further orders from Mr. Samuel Townsend and Major Lawrence, and that he apply to the Commissary-General for five days' provisions, and to the Quarter-Master-General for baggage wagons, it being of the utmost consequence that his regiment should march without delay. And

Resolved, That Mr. Samuel Townsend and Major Lawrence be requested and authorized to attend the regiment commanded by Colo. Smith, in order to supply the said regiment with provisions, and to devise the most safe and expeditious means of transporting the said regiment from Long island; and that they be authorized and impowered to impress horses, wagons, boats, vessels, &c. for that purpose, for the payment of which, and every other necessary expense, this Committee pledge the public faith.

Ordered, That the Treasurer of this State pay to Mr. Samuel Townsend and Major Lawrence the sum of one hundred pounds, to be by them accounted for to the Convention of this State.

Resolved and Ordered, That the brigadier-generals or commanding officers of the militia in the counties of Orange, Ulster, Westchester and Dutchess, do hold their militia in readiness to march at a moment's warning with five days' provision, and as much ammunition as possible, there being the greatest reason to imagine that the whole force of this State may, in a few days, be wanted to repel the invasion of our merciless and tyrannical enemy.

Ordered, That the Secretaries transmit certified copies of the aforegoing resolution, to the brigadiers of the counties therein mentioned, with the utmost despatch.

Resolved and Ordered, That Capt. Sickles and 12 men keep guard this night at such places as the motions of the enemy can be best watched, and that he make return to this Committee of all such persons who shall refuse to obey.

KING'S BRIDGE,

Augt. 30*th*, 1776.

The Committee of Safety met.

PRESENT—Abraham Yates, Junr. Esqr. *Chairman.*

Colo. Van Cortlandt, Colo. Van Rensselaer, Mr. Robt. R. Livingston, Mr. Duer, Mr. Bleecker.

The Committee were informed that the Continental troops, with all the militia, had, by order of Genl. Washington, left Long island and come over to the city.

Thereupon a draft of a letter to Genl. Washington was read and approved, and is in the words following, to wit:

"SIR—In our way to Fishkills, agreeable to an adjournment of the Convention, we are informed that the army on Long island is removed to the city of New-York, and anxiety to know the fact, as well as to be informed whether you think any measures necessary for us to take, induces us to trouble your Excellency at this time for an answer hereto. We have ordered last night all the militia of the counties of Ulster, Dutchess, Orange and Westchester to be ready on a minute's warning with five days' provisions. We shall wait the return of our messenger at this place, and are,

"Sir, your most obedient and very humble servt.

"By order.

"His Excellency Genl. WASHINGTON."

Ordered, That the same be copied, and transmitted by express.

A letter from Brigadier-Genl. Clinton, dated at King's Bridge, Augt. 30th, 1776, was read, and is in the words following, to wit:

"GENTLEMEN—The brigade under my command murmur extremely for want of the remaining bounty due to them. It is my opinion that when they are mustered by the Continental Muster-Master that there will be no deficiency in the muster-rolls sworn to by the colonels of the respective regiments and returned to your Convention; I therefore wish most earnestly that the Convention would dispense with that part of the resolution with respect to the levies that relates to the mode of mustering my brigade, as it is very uncertain when they can be mustered agreeable to the manner therein prescribed. As from the present situation of our military operations it is extremely probable that our army will make the grand stand at the post I occupy, and as it is of the utmost consequence that harmony should prevail amongst the troops, I flatter myself the Convention will have no scruple in complying with my request. I shall desire General Washington to have my brigade mustered as soon as possible, and shall make a regular return to the Convention of the whole brigade.

"I am, gent. your most obt. servt.

"GEO. CLINTON,

"*Brigr. Genl.*

"The Honble. the Convention of the State of New-York."

The said letter being immediately taken into consideration,

Resolved and Ordered, That the Treasurer of this State pay to Genl. Clinton, or his order, the sum of seven thousand pounds, and that Genl. Clinton account for the same to the Convention or a future Legislature of this State.

Colo. Thomas informed the Committee that he had in his hands the sum of two hundred and fifty-one pounds twelve shillings, being part of the interest of the loan office money due from the county of Westchester; and prays to know the opinion of the Committee with respect to the disposal of it. Thereupon,

Resolved and Ordered, That the said Colo. Thomas pay the above sum into the hands of the President of this Committee, and that the President give his receipt, and pay the same to the Treasurer of this State; and that this order shall be considered by the supervisors of Westchester county as a voucher for the sum so paid, in as full and ample manner, as if the same had been paid to Abraham Lott, Esqr. the late Treasurer of this State.

Genl. Clinton informed the Committee that a considerable number of the cartridges which were lately ordered from Mr. Norwood's store in New-York to his encampment were damaged by the rain in coming up the river to King's Bridge, and prayed to know the sense of the Committee with respect to the disposal of them.

Ordered, That Genl. Clinton be requested to send the damaged powder contained in the said cartridges to the powder mills of John R. Livingston, Esqr. in Dutchess county, who is desired to remanufacture the same, and that this Committee pledge the public faith for defraying the contingent expenses.

Captain Brinton Payne's examination relative to John Woolly being taken, is as follows, to wit:

"The examinant having observed that a boat went from the house of one Woolly, on Long island, to the ships of the enemy, took with him a party of men on the night of the 29th of Augt. inst. and crossed the Sound to the house of the said Woolly; that having paraded his men as they were going toward the river, they were met by John Woolly, who is the owner of the above mentioned boat, as this examinant has been informed, and another person whose name he has forgot; that he imagines from their conduct that they mistook him for a person belonging to the ships; that he charged him with having been on board; that Woolly owned he had been on board but alledged that he had been taken by the barge of the enemy's ships; that they refused to give to this examinant any information of the state of the shipping.

(Signed,) "BRINTON PAYNE."

Resolved, That Genl. Clinton be requested to cause further examinations to be taken relative to the Captain John Woolley and his companions; and that he cause the said John Woolley and the person apprehended with him to be sent under a sufficient guard to Poughkeepsie jail, in Dutchess county; and that a copy of this order, sent by Genl. Clinton, shall be a sufficient mittimus to the jailor of the said county.

Mr. Ebenezer Hazard, deputy postmaster for the New-York department, waited on the committee and requested their opinion on the most proper place of safety and convenience to the public to which he should remove his office, as an invasion of the city of New-York is hourly expected: Whereupon,

Resolved, That it is the opinion of this Committee of Safety that Mr. Hazard, postmaster for the district of New-York, should immediately remove his office to some convenient place near Dobbs' ferry, till further orders from the Postmaster-General.

WHEREAS the Convention have granted an exemption from military duty to Mr. Charles Shaw: AND WHEREAS Richard Morris, Esqr. is exempted therefrom by his commission, agreeable to the regulation of the militia of this State: Notwithstanding which, as this Committee are informed, Captain Varian insists on their serving in the militia, this Committee are of opinion that Capt. Varian should, agreeable to the resolution of the Convention of this State, consider the said Charles Shaw and Richard Morris as exempt from military duty, and that a contrary conduct will be considered as a high contempt of the authority of this State, and punished as such.

AT THE HOUSE OF MR. ODELL.

Philipse's Manor, Augt. 31*st*, 1776.

The Committee met.

PRESENT—Abraham Yates, Junr. Esquire, Mr. Robt. R. Livingston, Mr. Duer, Colo. Van Cortlandt, Colo. Van Rensselaer.

A letter from Genl. Washington, dated yesterday, was received and read, and is in the words following, to wit:

"*Augt.* 30*th*, 1776.

"SIR—Your favour of this date is just come to hand. Circumstanced as this army was in respect to situation, strength, &c. it was the unanimous advice of a council of General officers to give up Long island, and not by dividing our force be unable to resist the enemy in any one point of attack; this reason, added to some others, particularly the fear of having our communication cut off from the main (of which there seemed to be no small probability,) and the extreme fatigue our troops were laid under in guarding such extensive lines without proper shelter from the weather, induced the above resolution.

"It is the most intricate thing in the world, sir, to know in what manner to conduct one's self with respect to the militia. If you do not begin, many days before they are wanted, to raise them, you cannot have them in time; if you do they get tired and return; besides being under very little order or government whilst in service. However, if the enemy have a design of serving us at this place, as we apprehend they meant to do on Long island, it might not be improper to have a body in readiness to prevent or retard a landing of them, on the east side of Harlem river if need be. In haste, and not a little fatigued,

"I remain with great respect and esteem, sir,

"Your most obedt. hble. servt.

"GO. WASHINGTON.

"The Hon. ABM. YATES, Esqr. Presidt.
of the Congress of the State of New-York."

The said letter was immediately taken into consideration, and the Committee came into the following resolution, to wit:

WHEREAS from the operations of the enemy, and the intelligence lately received, there is strong reason to think that their army intend to make a landing at or near King's Bridge, in order to cut off the communication betwixt New-York island and the main:

Resolved, That the inhabitants of New-York island and those parts of Westchester county, which are most exposed to the depredations of the enemy, do forthwith drive their horned cattle, horses, hogs and sheep into the interior part of this State; and that Genl. Washington be requested to make this order public, and to give all possible assistance in carrying it into execution when he shall think necessary.

A draft of a letter to Genl. Washington, in answer to his received this day, was read and approved, and is in the words following, to wit:

"*Augt.* 31, 1776.

"SIR—We had the honour of your Excellency's letter of yesterday, and see the weight of the reasons which induced you to quit the lines on Long island. We acknowledge the difficulty of managing the militia so as to render them useful, which is in some measure owing to their being ill appointed and unused to camp, and of consequence suffering more than those who have got into a regular way of providing against inconveniences.

"We are so fully satisfied of the enemy's design to land above New-York, and of the mischiefs that will result therefrom, that we can not by any means advise your Excellency to trust its prevention to any militia which we can at this time call out, who after the great drafts we have already made, can not be expeditiously collected well—ill armed, and, we fear, some of them not so well affected as we would wish. We know no country so capable of being defended as that above the bridge; should the enemy once occupy it, we have reason to dread the consequences. We take the liberty to hint these things to your Excellency, though we are persuaded they have not escaped your observation, in order to convince our constituents, and the rest of the Continent engaged in the same cause, that we are willing to make any sacrifices which the general interest demands.

"We enclose a resolution for the removal of the cattle from the island of New-York, which your Excellency will cause to be executed, if you think it necessary, as we have no force that we can trust with its execution.

"We can not but hope that the Commissary will give every relief to the inhabitants, by purchasing from them all the stock that are fit for the use of the army. We have directed Col. Smith to go to Long island, in order to destroy the cattle which will otherwise serve as a supply to the enemy.

"If by calling in the out-posts the force of our army is so much concentrated that any part of them could safely be spared, we are fully persuaded that 3,000 rangers would be very usefully employed on Long island, and not only harass the enemy but prevent their foraging parties from ever getting beyond the plains, which extend quite across the island, and by that means save at least two-thirds of it from the enemy. Your Excellency knows how to pardon, on the score of our anxiety for the general welfare, our stepping somewhat out of the regular line, and suggesting such ideas as our knowledge of the country induces us to believe useful.

"We have the honour to be.

"His Excellency Genl. WASHINGTON."

Ordered, That a copy thereof be engrossed, signed by the President, and, together with the aforegoing resolutions relative to the driving the cattle from New-York island, be immediately transmitted by express.

Colo. Jeromus Remsen followed the Committee from Harlem, and requested to know the sense of the Committee relative to the disposition of the regiment of militia under his command, and lately come from Long island.

After mature deliberation, the Committee came to the following resolutions, to wit:

WHEREAS Colo. Remsen's regiment is composed of the inhabitants of Kings and Queens counties which said counties are at present occupied by the enemy: AND WHEREAS it is the duty of the Representatives of this State diligently to watch over the safety of their constituents, and to prevent their falling into the hands of a tyrannical enemy who may compel them to bear arms against their country: Therefore,

Resolved, That it be earnestly recommended to such of the said militia, who are attached to the cause of this invaded country, to form themselves into companies, consisting of one captain, one lieutenant, one ensign, three sergeants, three corporals, one drum, one fife and fifty privates.

Resolved, That these companies be commanded by the same colonel, captains and subalterns, under whom they have hitherto served; and in case any officer or officers should decline accepting his or their commissions, the same should be tendered to the next commisioned officers in rank, till the whole companies are properly officered; and that in case from the decline of a sufficient number of officers to accept commissions there should be any vacancies, the company where such vacancy may be shall nominate an officer to whom the Convention of this State will grant a commission whenever the said nomination shall be approved of by Brigadier-General Woodhull and Colo. Remsen.

Resolved, That these troops when raised shall be entitled to Continental pay and rations, with a bounty of four pounds to each man on passing muster, and that they continue in service till the last day of December next; and that if any men should choose to enlist for the space of three years, or during the war, they shall receive a bounty of twenty dollars per man on passing muster.

Resolved, That each man furnish himself with a good gun, or musket, cartouch box or bullet pouch, a blanket and knapsack, and every six men with a pot or camp kettle.

Resolved and Ordered, That Colo. Remsen, with his regiment of militia, join Genl. Clinton at King's Bridge till further order from the Convention, or Committee of Safety of this State; and that he be authorized to grant furloughs to such of his militia, of whose attachment to the American cause he is well assured, to visit or remove their

families from Long island. Provided always, that no man obtaining such furlough be permitted to carry his arms with him.

Resolved and Ordered, That the President pay to Colo. Remsen the sum of two hundred and fifty-one pounds twelve shillings, in payment of the pay due to his regiment of militia, taking his receipt for the same.

Which said sum the President immediately paid to Colo. Remsen in presence of the Committee.

A letter from Robt. G. Livingston, dated at Newark, Augt. the 27th, 1776, setting forth that Captain Anthony Rutgers refuses to receive from him in payment Continental money, was read and filed.

Ordered, That the said letter be referred to the Convention.

The Committee proceeded to Croton river, at the house of Jno. Blagge.

The Committee taking into consideration the necessity of having the earliest intelligence, came to the following resolution, to wit:

As in the present alarming situation of affairs it is necessary that the Convention of this State should have the earliest intelligence from the northern and southern armies, be it

Resolved, That Mr. Hazard, postmaster for the New-York department, be requested to direct the post between New-York and Albany to ride for the present time on the east side of Hudson's river weekly; and that a letter be written to the Postmaster-General on this subject, informing him of the reasons on which this resolution is founded.

Colonel Van Cortlandt introduced a letter from James Teller, which was read. Thereupon it was

Resolved, That it is the opinion of this Committee that Mr. James Teller is entitled to the rank of captain. And

Ordered, That he join Genl. Clinton's brigade with all possible despatch; and that he apply to Colo. Thomas for the first moiety of bounty due to his men, showing him this resolution.

FISHKILL, IN DUTCHESS COUNTY.

September the 2nd, 1776.

The Committee of Safety met.

PRESENT—Abraham Yates, Junr. Esqr. *Presidt.*

Colo. Van Cortlandt, Mr. Duer, Colo. Van Rensselaer—*Committee members.*

Mr. Duane, Colo. Livingston, Mr. Cuyler, General Ten Broeck.

Colonel Van Rensselaer informed the Committee that he had received intelligence that the garrisons in forts Constitution and Montgomerie were ill armed and otherwise in a situation ill calculated to annoy the enemy.

The Committee taking the same into consideration, came to the following resolution:

Resolved, That General Ten Broeck, Mr. Duane, Mr. Cuyler and Colo. Livingston, be a committee to visit forts Constitution and Montgomerie, and that they report with all possible despatch the state of the works, the number and health of the soldiers, the condition and number of their arms, the quantity of ammunition, ball, &c. the number of gunners, matrosses, &c. and every other matter which may tend to give to the Convention of this State a full and clear view of these important fortresses.

Resolved, That the said committee show General Clinton a copy of the above resolution, and that they request him to give all possible assistance in carrying the same into execution.

FISHKILL, P. M. *September the 2nd,* 1776.

The Committee of Safety met.

PRESENT—Abraham Yates, Jur. Esqr. *Presidt.*

Colo. Van Cortlandt, Colo. Van Rensselaer, Mr. Duer—*Of the Committee.*

Mr. Stephens, Mr. Sessions—*Members for Cumberland county.*

Mr. Moore, Mr. Harper, Mr. Veder—*For Tryon county.*

Mr. Ten Broeck, Mr. Adgate—*For Albany county.*

Colo. Williams, Mr. Webster—*For Charlotte county.*

A member informed the Committee that a number of indigent infirm persons who had been sent out of the city of New-York by the committee for that purpose appointed, have been on board a sloop at Fishkill Landing 8 or 9 days; and that they complained much of their distressed situation. Whereupon it was

Resolved and Ordered, That Mr. Peter Murford, acting chairman of the committee of Rumbout precinct, be requested to attend this Committee at 9 o'clock to-morrow morning.

Ordered, That the Secretaries furnish him with a copy of this order.

TUESDAY, A. M.

Fishkill, September the 3d, 1776.

The Committee met.

PRESENT—Abraham Yates, Junr. Esqr. *Presidt.*

Mr. Duer, Colo. Van Rensselaer, Colo. Van Cortlandt, Mr. Schenk—*Of the Committee.*

Mr. Robt. Harper, Mr. Contine, Colo. Williams, Mr. Adgate, Mr. Harper, Mr. Webster, Mr. Ten Broeck, Mr. Sessions, Major Lockwood, Mr. Sacket, Mr. Bancker, Mr. Veder, Mr. Smith, Colo. Dewit.

Mr. Murford, the deputy chairman of Rumbout precinct, pursuant to the order of yesterday, attended. He informed the Committee of Safety that by reason of his absence the said committee had not met till yesterday, that they have proceeded to the consideration of devising means to provide for the indigent persons now at Capt. Bushe's landing, and lately sent from New-York by order of that committee, and that some part of the committee of Rumbout are to meet this afternoon, on that service.

Ordered, That Major Schenk give his aid to the said committee, in placing the said poor agreeable to their merits, and a maintenance supplied to them.

Ordered, That the Treasurer of this State, pay to Peter Montfort, Esqr. deputy chairman of the committee of Rumbout precinct, on his receipt, the sum of one hundred pounds on account, to be applied to the maintenance of the poor lately sent from the city of New-York to Fishkill landing, the committee to be accountable, and render an account of the disposition and expenditure of that money.

A letter from Genl. Washington was received and read, to wit:

"*New-York, Septr.* 1*st,* 1776.

"SIR—I was yesterday honoured with your favour of that date, and should have answered it by the return of the person who brought it, had I not been engaged then in a multiplicity of business, which occasioned me to forget it till he was gone.

"In respect to the cattle on this island, I shall desire the commissary to purchase as many of them from the inhabitants as he can conveniently, and will afford every assistance the situation of affairs will admit of, to have the remainder secured. But as to those on Long island, it is impossible for me to take any measures, or give any assistance, to prevent their falling into the enemy's hands.

"I am persuaded the number of rangers you mention were they to exert themselves, might be of service, and annoy the foraging parties of the enemy not a little. But, sir, I cannot spare any men for that purpose. Though our force is called in from the outposts, and collected upon this island, yet it will not be more than competent to the defence of the several lines necessary to be maintained. Nor is it perhaps so great by any means as common estimation and report make it.

"I am extremely obliged by your opinion on the de-

fencible state of the grounds above King's Bridge, though they had not escaped my observation; their importance I am fully sensible of, and as far as the critical situation of things will allow, their defence shall be attended to, to prevent, if possible, the enemy from possessing them.

"I have the honour to be,
"Very respectfully, sir,
"Your most obedt. servt.
"GO. WASHINGTON.

"*P. S.*—As the posts at King's Bridge are of such great importance, I think it will be well and extremely necessary to be favoured with your friendly exertions in affording every aid in your power for their defence. Cannot some more militia be prevailed on to give their assistance, and in whom you can confide? I will not enlarge, being fully assured you will do all you can."

Ordered, That Major Lockwood proceed immediately to Westchester county, or elsewhere, and endeavour to see Colo. Smith and Colo. Remsen, in order to obtain intelligence from them of the state of their respective regiments; and that he be empowered to order the said regiments to repair to Genl. Clinton's encampment at King's Bridge, in case Colo. Smith finds it impracticable, from the disposition of his troops, or other circumstances, to transport them to Long island; and that he inform Colo. Smith in confidence that means have been devised, and are now actually carrying into execution to give him assistance in opposing the enemy on Long island. And,

Resolved, That Major Lockwood be empowered to impress horses wherever he may have occasion for the same, to expedite his journey.

WHEREAS the Committee of Safety have received information that the regiments of levies commanded by Colo. Smith, are either dispersed, or have been disbanded without the permission of this State, and that sundry men in Colo. Remsen's regiment of Kings and Queens county militia, have been suffered to disperse, and take their arms with them, contrary to an express order from this committee. Therefore,

Resolved unanimously, That Genl. Clinton be requested to inquire into the truth of such intelligence, and that in case he finds the same true, that he be authorized to use the most effectual means of apprehending and detaining as many of the said levies and militia as possible, even if they produce passes, till further order of the Convention or the Committee of Safety of this State, it being of the utmost consequence to the public safety that so large a number of armed men should not be added to the enemy's power on Long island.

Resolved unanimously, That it be recommended to the committees of Westchester, Horseneck, Stamford and Norwalk, diligently to watch all boats passing from the main to Long island, and to suffer no soldier belonging to any regiment in the service of this State to pass over to Long island armed, even though he should produce an officer's pass; and that Major Lockwood be requested and authorized to forward copies of this resolve to the said committees respectively by express, if he finds that Colo. Smith's and Remsen's regiments are either dispersed or disbanded, and have received no orders to rendezvous on Long island.

Mr. Gerardus Bancker informed a member of the Convention, that on Saturday last at the White Plains, he heard Manning Bull say that Brigadier-General Woodhull was taken prisoner on Long island, and that soon after, on the same day, he heard Doctor Robt. Graham say the same.

In consequence of the said information, suspicion arose in the minds of the members whether a correspondence is not kept up between some person or persons in Westchester county and the enemy on Long island.

Thereupon a letter was written to the committee of Westchester county, in the words following, to wit:

"SIR—This committee have been informed that Doctor Graham and Manning Bull had very early intelligence of General Woodhull's being taken prisoner on Long island. We are apprehensive that a correspondence is kept up between those persons or some other in your county and the enemy. You are, therefore, earnestly requested to make strict inquiry into this matter, by inquiring of whom they had their information, and report your proceedings with all possible despatch. You will be pleased likewise to transmit to this Committee or the Convention your proceedings in the affair of Lownsbury, as also the commission and other papers found upon him.

"We are, &c.

"To the Chairman of the Committee
of Westchester county."

A letter from Philip Livingston, Esqr. one of our Delegates at Continental Congress, was received and read, and is in the words following, to wit:

"*Phila. 30th Augt.* 1776.

"MR. ABM. YATES, JUNR.

"*Sir*—Your favour, dated the 28th, came to hand by the post, who returned before we had any opportunity to apply to Congress as you desired; the application was immediately agreed to, and their resolve to employ the blacksmiths (who are now engaged in building the frigates) for the purpose of obstructing the navigation of Hudson's river, is here enclosed. We wish much to hear from you what is done in that affair, and what more is proposed to be done. The advices from New-York respecting the attack of the British troops on our army on Long island, are very various and uncertain. We could wish to hear from you as often as time will permit; our anxiety, as you may easily judge, is not small, and particular accounts as often as possible would be very agreeable; many particulars that most chiefly concern us as members of your State, and are more interesting now than ever, we are not informed of. We know you are much engaged in affairs of the greatest moment, but perhaps one of your Secretaries may find time to despatch us a few lines every day or two.

"A considerable number of troops have since Tuesday marched from here to Amboy, say about three thousand, and as many more will probably be despatched within one week more. Mr. Lewis and Colo. Floyd beg to assure you that they are, as well as the subscriber,

"Sir, your most obedt. servant,
"PHIL. LIVINGSTON."

A resolution of Congress, enclosed in and of the same date with the aforegoing, was also read, and is in the words following, to wit:

"CONTINENTAL CONGRESS,
"*Augt.* 30, 1776.

"The Convention of New-York having represented that, for want of blacksmiths, they are greatly delayed in obstructing the passage of Hudson's river, which is an object of great importance:

"*Resolved*, That the Convention of New-York be empowered to employ for the purpose aforesaid, the blacksmiths that are now engaged in building the Continental frigates at Poughkeepsie.

"*Ordered*, That the Secretaries transmit a copy of the said resolution to the secret committee without delay."

P. M. September 3rd. 1776.

The Committee met pursuant to adjournment.

PRESENT—Abraham Yates, Esqr. *Presidt.*

Mr. Duer, Colo. Van Cortlandt, Colo. Van Rensselaer, Major Schenk (of the Committee of Safety) Mr. Bancker, Mr. Harpur—*For New-York.*

Mr. Sacket, Colo. Hoffman—*For Dutchess.*

Mr. Yates, Mr. Adgate, Mr. Ten Broeck—*For Albany.*

Judge Graham—*Westchester.*

Mr. Smith—*For Suffolk.*

Mr. Harper, Mr. Moore, Mr. Veder—*For Tryon.*

Colo. Dewit—*For Ulster.*

Major Webster, Colo. Williams—*For Charlotte.*

Mr. Stephens, Mr. Sessions—*For Cumberland.*

It being suggested that the military stores of lead, &c. belonging to this State, and which were lately by order of the Convention sent to the White Plains, in Westchester county, are in danger, from the number of disaffected persons in that county, of being destroyed; thereupon the Committee came to the following determination, to wit:

WHEREAS this Committee have reason to think that the stores belonging to this State, which are stored in Westchester county, are by no means secure from the designs of our open or secret enemies. Therefore,

Resolved, That the chairman of the committee of Westchester county deliver to the bearer hereof, Mr. John Cregier, all the stores belonging to this State, and lately sent to be stored in the said county by order of the Convention of this State. And Mr. Cregier is hereby requested and authorized to convey the same to the landing at Tarry Town, and from thence by water to the Fishkill Landing.

Resolved farther, That the said committee be requested to furnish a proper guard over the said stores until the arrival thereof at the Fishkills as aforesaid; and also that they afford Mr. Cregier all the aid in their power in the execution of this business: And

Ordered, That the Treasurer of this Convention advance to Mr. John Cregier the sum of sixty dollars to enable him to pay the expenses of transporting the stores belonging to this State from Westchester county to the Fishkill Landing, and take his receipt to account for the same.

DIE MERCURII, 9 HO. A. M. *Sept. 4th*, 1776.

The Committee met pursuant to adjournment.

PRESENT—Abraham Yates, Junr. Esqr.

Mr. Robt. Harper, Mr. Evert Bancker, Mr. James Duane—*New-York*.

Mr. Sacket, Colo. Hoffman—*Dutches*.

Mr. Harper, Mr. Moore, Mr. Veder, Mr. Newkerk—*Tryon*.

Mr. Abra. Yates,* Mr. Adgate, Colo. Van Rensselaer,* Mr. John Ten Broeck, Mr. Cuyler, Colo. Livingston, Genl. Ten Broeck—*Albany*.

Major Webster, Colo. Williams, Mr. Duer*—*Charlotte*.

Mr. Wm. Smith—*Suffolk*.

Mr. Wisner, Colo. Allison, Mr. Jos. Smith—*Orange*.

Mr. Sessions, Mr. Stevens—*Cumberland*.

Colo. Dewitt, Mr. Tappen—*Ulster*.

Colo. Van Cortlandt,* Judge Graham—*Westchester*.

The names marked with an asterisk are members of the Committee of Safety.

"The committee to whom was referred the consideration of the resolution of the Convention of this State relative to the calling out the militia of Westchester, Orange, Dutchess and Ulster, and the consideration of General Washington's letter of Sept. the 1st, report that they have maturely considered the state of the counties of Orange, Dutchess, Westchester and Ulster, both with respect to their militia and the number of disaffected persons in the said counties, and upon the whole, are of opinion that it will not be for the safety of this State or the general interest of America to order out any more of the militia from the said counties; and they submit to this Committee of Safety the following reasons, among others, which have induced them to form this opinion:

"1st. That from the best information they have been able to obtain, the number of armed and well affected militia in the said counties do not exceed three thousand one hundred; the number of disarmed and disaffected persons 2,300; and the number of slaves 2,300; from a comparison of these numbers, and from our firm opinion that the disaffected only wait an opportunity of rising; that General Howe is actually endeavouring to enlist men in most of those counties, and that our enemies would not scruple to stir up our slaves to bear arms against us, it would be extremely hazardous to the internal peace of the said counties to draw out at present any more of their militia.

"2nd. That from the situation of the county of Westchester, which borders both on the Sound and Hudson's river, and the counties of Dutchess, Ulster and Orange, on the North river (the channel of which we have no reason to think sufficiently obstructed) the enemy might land to the northward of our posts at King's Bridge, and take possession of those counties without any possibility of a resistance from the militia.

"3rdly. That from the want of tents or sufficient houses, the militia would be extremely exposed to the inclemencies of weather and other hardships, which added to the arts of the tories in the construing into a defeat the late prudent retreat from Long island, and the present inconvenient season of the year, would, we fear, prove too severe a trial for the virtue and patriotism of common soldiers, and disgust them so as to prevent their being of service to the State on a still more critical occasion.

"This appears to have been lately the case both of the militia and new levies on Nassau island. They, therefore, submit it to the wisdom of the Committee of Safety, whether it would not be advisable to send an express immediately to General Washington, informing him, from the reasons above mentioned, of our inability to call forth at present any more of the militia of the said counties; assuring him, nevertheless, that the whole militia of these counties who are armed, shall be ready to march on the earliest notice, whenever they receive orders from either himself or Genl. Clinton, of the absolute necessity of such march."

Resolved, That this Committee of Safety does agree with their sub-committee in the said report. And,

Ordered, That a copy thereof be prepared and certified, to be forwarded to General Washington.

Ordered, That His Excellency General Washington's letter of the first instant be recommitted to the former committee, with the addition of Judge Graham.

DIE MERCURII, 4 *ho. P. M. Sept. 4th*, 1776.

The Committee met pursuant to adjournment.

PRESENT—Abraham Yates, Junr. Esquire, *President*.

Mr. Robt. Harper, Mr. Bancker, Mr. Duane—*New-York*.

Colo. Van Cortlandt,* Judge Graham—*Westchester*.

Mr. Sessions, Mr. Stevens—*Cumberland*.

Mr. Ab. Yates,* Mr. Adgate, Colo. Van Rensselaer,* Mr. Jno. Ten Broeck, Mr. Cuyler, Genl. Ten Broeck, Colo. Livingston—*Albany*.

Mr. Wm. Smith—*Suffolk*.

Mr. Wisner, Colo. Allison, Mr. Jos. Smith—*Orange*.

Colo. De Witt, Mr. Tappen—*Ulster*.

Mr. Harper, Mr. Moore, Mr. Veder, Mr. Newkerk—*Tryon*.

Mr. Sackett, Major Schenk*—*Dutches*.

Major Webster, Colo. Williams, Mr. Duer*—*Charlotte*.

N. B. Those gentlemen whose names are marked with asterisks, are a quorum of the Committee of Safety.

A draft of a letter to His Excellency General Washington, to accompany the report of the sub-committee of this Committee on His Excellency's letter of the first instant, was read and approved, and is in the words following, to wit:

"SIR—I enclose to your Excellency, by order of the Committee of Safety, a copy of a report which relates to a part of your letter of the first instant, respecting the calling out more of the militia of this State, for the purpose of reinforcing the posts at King's Bridge.

"It is with extreme concern that the Committee of Safety see their inability to assist further in maintaining the important posts; they flatter themselves that the reasons which they have offered, will appear as satisfactory to your Excellency as they did to the Committee.

"I am, however, directed to assure your Excellency, that the whole militia of the counties of Ulster, Orange, Dutchess and Westchester, shall be ready to march when-

ever your Excellency or General Clinton shall think it absolutely necessary; and to inform you that the Committee of Safety will immediately exert themselves in arming with lances all such of the well affected militia as are at present destitute of firearms.

"I have the honour to be, most respectfully,
"Sir, your most obedient hum. servant.

"To His Excellency."

Ordered, That a copy of the said letter be engrossed, and signed by the President, and transmitted.

WHEREAS many of the militia of the different counties in this State, who are well affected to the American cause, are not supplied with firearms: AND WHEREAS it is the duty of the Convention of this State, at this critical period, to arm the whole militia in such a manner as may prove most formidable to our inveterate and tyrannical enemies: Therefore,

Resolved unanimously, That persons be appointed in the counties of Westchester, Orange, Dutchess, Ulster and Albany, for the purpose of procuring four thousand lances to be made with the utmost expedition, agreeable to such models as shall be sent to the respective counties.

Resolved unanimously, That the following persons be appointed to procure the following proportion of lances affixed to their respective names in the counties under mentioned, and that this Convention will pay all the necessary charges for carrying this resolve into execution:

In the county of Albany—Hermanus Wendell and Richd. Esselstine, Esqrs.	800
In Ulster county—Dirck Wynkoop and Robert Boyd, Esqrs.	800
In Orange county—Henry Wisner and Joseph Smith, Esqrs.	800
In Westchester county—Stephen Ward, William Millar and Thaddeus Crane, Esqrs.	800
In Dutches county—James Weeks, William Cushman and Nathaniel Foster,	800
Lances,	4000

JOURNAL

OF THE

PROVINCIAL CONVENTION.

DIE JOVIS, 9 HO. A. M.

Sept. 5th, 1776.

The Convention of this State met pursuant to adjournment in the Episcopal church at Fishkill.

Present—ABRAHAM YATES, Junr. Esquire.

Mr. ROBT. HARPER, Mr. DUANE, Mr. BANCKER—*For New-York.*

Mr. SACKETT, Doctr. CRANE, Mr. H. SCHENK—*Dutchess.*

Mr. WM. HARPER, Mr. MOORE, Mr. VEDER, Mr. NEWKIRK—*Tryon.*

Mr. AB. YATES, Genl. TEN BROECK, Mr. CUYLER, Colo. LIVINGSTON, Mr. ADGATE, Mr. JOHN TEN BROECK, Colo. VAN RENSSELAER—*Albany.*

Mr. DUER, Major WEBSTER, Colo. WILLIAMS—*Charlotte.*

Mr. WM. SMITH—*Suffolk.*

Colo. VAN CORTLANDT, Judge GRAHAM, Mr. HAVILAND—*Westchester.*

Mr. SESSIONS, Mr. STEVENS—*Cumberland.*

Colo. DE WITT, Mr. TAPPEN—*Ulster.*

Colo. ALLISON, Mr. JOS. SMITH, Mr. WISNER—*Orange.*

This church being very foul with the dung of doves and fowls, without any benches, seats or other conveniences whatever, which renders it unfit for the use of this Convention. Therefore they unanimously agreed to adjourn to the Dutch church in this village, and adjourned to the same accordingly.

The Convention met at the Dutch church at the Fish Kill pursuant to the above adjournment.

PRESENT—The President and Representatives above named.

Colo. De Witt, from the committee appointed yesterday, to consider of and report on the difficulties stated on behalf of the committee of Kingston about the sale of tea and the removal of the prisoners of war now at Kingston, reported the following resolution and draft of a letter, which were respectively read, and agreed to, vizt:

"*Resolved and Ordered*, That the Treasurer of this State advance to Colo. De Witt the sum of one hundred and fifty dollars, to be by him transmitted to the chairman of the committee of Kingston in Ulster county, for the purpose of removing the prisoners of war now at Kingston, to Morris county in New-Jersey; and the said chairman is hereby ordered to transmit to the Convention of this State a regular account of the expenditure of this money."

The draft of the letter to the committee of Kingston was read and approved, and is in the words following, to wit:

"The Convention having it in contemplation to pass a general resolve respecting the tea within this State, a committee for that purpose was appointed a few days before we adjourned from Haerlem to this place, but as several of the gentlemen appointed of that committee are not yet arrived, the Convention is prevented from completing that business; I am therefore directed to acquaint you that the Convention expect you will use your utmost endeavours to keep peace and good order amongst you, till such resolutions are passed, in the best manner you can.

"The old parols, together with a copy of a resolve of the Continental Congress respecting prisoners which were omitted at the time when the blanks were sent, you have here enclosed; also a resolve to defray the expense of their removal.

"I am your very humble servant,

"By order.

"To the Chairman and Members
of the Committee at Kingston."

Ordered, That a copy of the said letter be engrossed, and signed by the President, and together with a copy of the aforegoing resolution, transmitted to the committee at Kingston.

John Woolley being examined, says he was on board of the British ships once lately; that he was carried on board against his consent, and by violence; that this happened on last Wednesday a week, about noon, under the shore of Nassau island opposite to Frog's point; that two ships were there, one named the Bloom, as appeared by the name on the stern; that he went to bring a boat home to be unrigged, and by that means was taken; that he was not ill treated on board the ship, and his boat was returned, the reason whereof was, he believes, that his brother had been on board, and has been a warm partizan for the British fleet and army; that he could have gone on board frequently if he had chose it; that he did not mean to join the enemy; that a brother of his, the examinant,

was with him when he was taken; that he was asked on board if he could furnish them with provisions, or if they could be supplied in the neighbourhood? that he answered in the negative, and told them the cattle were all drove off; that he did not learn any of the designs of the enemy, but heard some of the soldiers say that they expected a large reinforcement of 20,000 men; that he is an associator; that his father owned the boat he went for; that Philip Wooley was with him when he was taken; that they called him a rebel when he was taken; that he saw Isaac Barns from the New City island in Westchester county on board, and also two negroes belonging to Henry Allen.

John Wooley withdrew.

Major Thorne, of Queens county, called in as a witness, says, that John Wooley has behaved peaceably, and has not, to his knowledge, said or done any thing in the American cause on either side; that he has been excused from military duty as a ferryman, and that he is an invalid; that he heard at Huntington that the Wooleys were removing their boats from his wharf to Capt. Wooley's, and were intercepted by a barge; that Capt. Wooley's family, in general, through the influence of his son Thomas, is esteemed disaffected to the American cause. Mr. Stocker says that John Wooley has behaved very peaceably, and said nothing on either side in the American cause; that Wooley's cattle has been removed; and John Wooley says that he removed those that were brought to his house; that he heard that Wooley's ferry boat was removed to Major Thornes' dock; that he does not know nor has not heard that John Wooley has supplied the enemy's ships with provisions.

The Committee determined to admit John Wooley to bail, if he can find two good sureties to be bound with him for his peaceable and good behaviour, and remaining on the main land in this State. The said John Wooley to be bound in the penalty of fifty pounds, and the said sureties in the sum of twenty-five pounds each. And

Ordered, That the President inform the said John Wolley thereof, in time of the adjournment, and direct him to inform the Committee in the afternoon whether he can obtain sureties, and who they are.

Ordered, That Mr. McKesson, one of the Secretaries, pay to Sergeant David Mills twelve shillings, by him paid for the passage of himself, two men under his command, sent up as a guard from Peekskill, with a prisoner taken, who had been on board of the enemy's ships of war in the river. That the Secretary take a receipt for the same. And

Ordered, That the Treasurer repay to Mr. McKesson the said twelve shillings, and charge the same to Continental account.

DIE JOVIS, 4 *ho. P. M. Sept. 5th*, 1776.

The Convention met pursuant to adjournment.

PRESENT—Abraham Yates, Junr. Esqr. *President.*

Mr. Robt. Harper, Mr. Bancker, Mr. Duane—*New-York.*

Mr. Sackett, Doctr. Crane, Mr. H. Schenk—*Dutches.*

Mr. Ab. Yates, Genl. Ten Broeck, Mr. Cuyler, Colo. Livingston, Colo. Van Rensselaer, Mr. Adgate—*Albany.*

Mr. Wm. Harper, Mr. Moore, Mr. Veder, Mr. Newkirk—*Tryon.*

Mr. Wm. Smith—*Suffolk.*

Colo. Van Cortlandt, Mr. Haviland, Judge Graham—*Westchester.*

Mr. Duer, Major Webster, Colo. Williams—*Charlotte.*

Colo. D. Witt, Mr. Tappen—*Ulster.*

Mr. Wisner, Colo. Allison, Mr. Jos. Smith—*Orange.*

Mr. Sessions, Mr. Stevens—*Cumberland.*

On motion,

Ordered, That the Secretaries prepare the following number of commissions, to be signed by the President and attested by one of the Secretaries, and transmitted to the county committees hereafter mentioned, on the conditions prescribed in the resolution of the Convention of this State, of the day of last, vizt: 100 commissions for the county of Albany; 50 commissions for the county of Tryon; 20 commissions for the county of Charlotte; 6 commissions for the third battalion of Westchester county.

On motion of the Deputies of Albany,

Resolved and Ordered, That Harmen Van Bueren, Esqr. be appointed major of the seventh regiment of the militia of the county of Albany, and that a commission issue for that purpose.

The petition of the committee of Tryon county, dated the instant, was read and filed. They therein set forth, that the militia of that county would be more advantageously regulated if a brigadier-general was appointed in that county, as the distance they are from Brigadier-General Ten Broeck, whom they esteem, is a great inconvenience.

Brigadier-Genl. Ten Broeck, present, informed the Convention, that it is a disadvantage to the militia of Tryon county, and an inconvenience to himself to have those militia in his brigade, and the more especially as the major of brigade resides in Tryon county, at a great distance from him: Thereupon,

Resolved, That the militia of Tryon county be formed into a brigade separate from the militia of Albany.

AND WHEREAS, Nicholas Herkhiemer, Esqr. is justly entitled to be appointed the brigadier-general of the brigade of militia of Tryon county, as well from his military rank in that county as from his great merit and many exertions in the present glorious struggle for liberty: Therefore,

Resolved unanimously, That Nicholas Herkhiemer, Esquire, be appointed brigadier-general of the militia of Tryon county, and that a commission issue to him accordingly for that purpose. And

Ordered, That John Frey, Esqr. be reappointed brigade-major of that brigade.

On motion of Mr. Duer, the Convention came to the following resolution for the removal of the bells from city of New-York. vizt:

WHEREAS, the King of Great Britain is studiously endeavouring, by every means which artifice and lawless power can devise, to deprive the inhabitants of the United States of America of ammunition, cannon, and every warlike store, in order that they may fall a more easy prey to his tyrannical purposes, which cowardly designs have unhappily so far succeeded, that this State is now distressed by the want of sufficient arms to resist the powerful and unnatural enemy by whom they are invaded: AND WHEREAS, the duty which the representatives of a free people owe both to God and their country, obliges them to make every possible exertion to procure arms and ammunition, in order to defend their rights and liberties, which are derived from the Supreme Being, and which posterity have a right to claim as an unencumbered inheritance: Therefore,

Resolved unanimously, That His Excellency General Washington be requested and authorized to cause all the bells in the different churches and public edifices in the city of New-York. to be taken down and removed to New-Ark, in New-Jersey, with all possible despatch, that the fortune of war may not throw the same into the hands of our enemy, and deprive this State at this critical period of that necessary, though unfortunate, resource for supplying our want of cannon.

Resolved, That a copy of this resolution be sent to the ministers, elders, or church wardens of the respective churches, in order that the weight and value of those bells may be ascertained. And the Convention of this State pledge the public faith that the respective churches shall be furnished with bells of equal goodness and value, whenever their constituents, free from the apprehension of having their civil and religious rights violated by any earthly power, shall be enabled to return their public thanks to the Supreme Ruler of the Universe, for graciously rescuing them from the gulf of tyranny.

A draft of a letter to His Excellency General Washing-

ton, was read and approved of, and is in the words following, to wit:

"SIR—I am directed by the Convention of this State, to transmit to your Excellency a copy of a resolution which they entreat may be carried into execution with all possible despatch. It is with extreme concern that we find ourselves under the disagreeable necessity of having recourse to this unhappy but necessary expedient, or of troubling your Excellency with a commission of this nature. But the critical situation of this State, the want of brass field pieces, and our inability to have this resolve executed by the committee of the city of New-York on account of their absence from the city, reduce us to the dilemma either of adopting this measure, or of neglecting the public safety. They therefore trust that your Excellency's zeal for the public service will induce you to pardon the liberty they take of troubling you on this occasion.

"I have the honour to be,

"With the greatest respect, &c.

"His Excellency Genl. WASHINGTON."

Ordered, That a copy of the said letter be engrossed, and signed by the President, and, together with a copy of the last foregoing resolution, transmitted to His Excellency by Sampson Dyckman, the messenger.

The President informed the Convention that John Wooley offers as his sureties Major Richard Thorne and Stocker, both of Queens county, of which the Convention approved.

Ordered, That the Secretary present draw a proper bond for that purpose, and see it duly executed by the said John Woolley and his sureties.

Major Schenk informed the Convention that a quantity of oil said to belong to this State, is stored in a store house, near Bushe's Landing, and that it is in a leaky condition, and wasting fast.

Ordered, That Major Henry Schenk be and is hereby authorized and requested to take proper care of the said oil, and direct the same to be properly coopered so as to preserve it from wasting.

The application or petition of Henry Chase, a prisoner in the jail of Westchester county, was read and filed. He thereby prays to be brought to a trial, or discharged.

Ordered, That the consideration thereof be deferred, until more important matters before the Convention are despatched.

The petition of Colo. Benjamin Birdsal, acting as captain of a company in Colo. Smith's regiment, of Nassau island, was read and filed. He thereby prays for money to discharge the bounty due to his men.

Ordered, That the consideration thereof be deferred until Colo. Birdsall can be examined before this Convention to-morrow.

The bond of John Wooley, and the condition, were brought into the Convention, and read, and ordered to be filed.

Mr. Duane from the committee who visited the fortifications on Hudson's river, produced a number of returns made by various officers there, and gave the Convention the following information, in substance:

1st. That Genl. Clinton told them that he thought the provisions deficient; that on inquiry they found a quantity of damaged pork in barrels there, which, from some information they received, was in general bad when sold for the use of the garrison, with a little good pork packed as a cover in each end of the barrels.

2d. That the fire rafts are in such a state as not to be fit for use, having in part water in them, and that the General does not know what to do with them.

3d. That at Fort Montgomery an armourer with the tools of his trade is much wanted.

4th. That there is a great want of men at forts Montgomery, Constitution and Red Hook; that the last mentioned work is very imperfect, but will be extremely useful; that one thousand more men the General would think necessary for the fortifications, exclusive of Red Hook; that spades, shovels, pickaxes, shot, lead, sheep skins, langrage, and many other things are wanting there; that the General desires a reinforcement of men, and that they may be armed. And he gave an account of the number of cannon there, and the weight of their metal.

Mr. Duane then moved that 500 militia may be immediately ordered to reinforce these garrisons, to be detached from Ulster, Orange and Dutches.

Debates arose; and the consideration thereof is deferred till to-morrow.

DIE VENERIS, 9 HO. A. M.

Sept. 6th, 1776.

The Convention met pursuant to adjournment.

PRESENT—Abraham Yates, Junr. Esqr. *President*.

Mr. Bancker, Mr. Duane, Mr. Robt. Harper—*New-York*.

Mr. Sackett, Doctr. Crane, Mr. H. Schenk—*Dutches*.

Mr. Ab. Yates, Genl. Ten Broeck, Mr. Cuyler, Colo. Livingston, Colo. Van Rensselaer, Mr. Adgate—*Albany*.

Mr. Wm. Harper, Mr. Moore, Mr. Veder, Mr. Newkirk—*Tryon*.

Mr. Wm. Smith—*Suffolk*.

Colo. Van Cortlandt, Mr. Haviland, Colo. Drake—*Westchester*.

Mr. Duer, Major Webster, Colo. Williams—*Charlotte*.

Colo. D. Witt, Mr. Tappen—*Ulster*.

Mr. Wisner, Colo. Allison, Mr. Jos. Smith—*Orange*.

Mr. Sessions, Mr. Stevens—*Cumberland*.

On motion,

Resolved, That a messenger shall be sent for any member of this Convention, who shall absent himself without leave, and that the expense incurred thereby shall be defrayed by the said member; and that such member shall also receive a public reprimand from the Chair, for a contempt of the House.

Mr. Duane, from the committee appointed to visit the forts Montgomery and Constitution, gave the Convention some further information relative to the state of those fortifications. After some time spent thereon,

Resolved, That it is of the utmost consequence to the safety of this State, and the general interest of America, that a reinforcement should be immediately sent to the forts Montgomery and Constitution, at Hudson's river. Therefore,

Resolved unanimously, That six hundred men be, with all possible despatch, detached from the militia of this State and sent to the forts Montgomery and Constitution as a reinforcement to those garrisons.

It was then proposed, and after some considerable time spent therein, it was agreed that the reinforcement for those garrisons be detached from the militia of Ulster, Albany, Dutches and Orange counties.

A motion was then made by Mr. Duane, and seconded, that the proportion of men to be furnished by those counties be as follows, to wit: from Ulster county 225, from Albany 150, from Dutches 150, and from Orange 75 men.

Debates arose thereon. After some time spent thereon, a motion was made and seconded, that 25 men be taken from the number proposed to be raised in Ulster county and added to the number proposed to be raised in Dutches.

Debates also arose thereon, and the question being put, it was carried in the affirmative by every county present, except Ulster, that is to say, for the affirmative, 20 votes, and for the negative, 4 votes.

It was then proposed that the proportions of the militia from those counties be fixed as follows, vizt:

From Ulster,	200
" Albany,	150
" Dutches,	175
" Orange,	75
	600

Debates arose thereon, and the question being put, it was carried in the affirmative in manner following, to wit:

For the affirmative.		*For the negative.*	
Albany,	6	Orange,	3
Tryon,	3	Ulster,	4
Cumberland,	2		7
Charlotte,	2		
Westchester,	4		
	17		

Therefore,

Resolved, That the above reinforcement be detached from the militia of those four counties in the proportions above mentioned.

DIE VENERIS, 4 *ho. P. M. Sept. 6th*, 1776.

The Convention met pursuant to adjournment.

PRESENT—Abraham Yates, Junr. Esquire, *President*.

Mr. Harper, Mr. Bancker, Mr. Duane, Mr. Jay—*New-York*.

Major Schenk, Mr. R. R. Livingston, Mr. Sackett, Doctor Crane, Mr. Gil. Livingston, Capt. Platt—*Dutches*.

Mr. Ab. Yates, Genl. Ten Broeck, Col. P. R. Livingston, Mr. Adgate, Mr. Cuyler, Colo. Van Rensselaer, Mr. John Ten Broeck—*Albany*.

Mr. Wm. Harper, Mr. Moore, Mr. Veder, Mr. Newkerk—*Tryon*.

Mr. Wm. Smith—*Suffolk*.

Colo. Van Cortlandt, Mr. Haviland, Colo. Drake—*Westchester*.

Mr. Duer, Major Webster, Colo. Williams—*Charlotte*.

Colo. D. Witt, Mr. Tappen—*Ulster*.

Colo. Allison, Mr. Jos. Smith, Mr. Wisner—*Orange*.

Mr. Sessions, Mr. Stevens—*Cumberland*.

The Convention resumed the consideration of the state of the garrisons and forts Montgomery and Constitution, and the works erecting at Red Hook; after some time spent therein, the two following resolutions were agreed on and resolved, vizt:

Resolved, That 150 men from that part of the county of Albany which is within and to the southward of the manor of Rensselaerwyck, including the city of Albany; 175 men from the county of Dutchess; 200 men from the county of Ulster, and 75 men from that part of the county of Orange which lies above the mountains, be immediately detached by ballot and marched to augment the garrisons at forts Montgomery and Constitution.

Resolved, That the above reinforcement continue in service two months after their arrival at the said fortresses, and that this Convention will discharge them sooner in case sufficient garrisons of Continental troops shall be ordered to and arrive at those forts before the expiration of the said two months; and that the militia so drafted shall be entitled to the same pay as are allowed to the Continental troops.

A question then arose into what number of companies those levies should be disposed; the same being fully considered,

Resolved, That the above levies be formed into companies in the following manner, to wit: those from the county of Ulster into three companies; those from Albany and Dutchess respectively into two companies each; and those from the county of Orange into one company.

On motion of Mr. Duer,

Agreed, That the Convention immediately proceed to fix and appoint the field officers to command the said levies or detachments intended to reinforce the said garrisons.

Mr. Duer then moved that the field officers to command the said reinforcement be appointed out of the counties of Albany, Ulster and Orange agreeable to the precedence or rank fixed for the said counties by the regulations for the militia of this State.

Debates arose thereon, and the question being put, it was carried in the negative, in manner following, to wit:

For the affirmative.		*For the negative.*	
Ulster,	4	Albany,	6
Orange,	3	Dutches,	5
Charlotte,	2	Tryon,	3
	9	Cumberland,	2
			16

Therefore the said motion was overruled.

On motion,

Resolved, That the colonel to command that reinforcement be called into service from Ulster county, the lieutenant-colonel from Dutches county, and the major from the county of Albany.

Colo. De Witt then moved, and was seconded, that the troop of horse in Ulster county, now called out by General Clinton, and the rangers which are raised in the said county, be considered as part of the troops to be raised by virtue of the resolutions passed this day.

Debates arose thereon, and the question being put, it was carried in the negative. Ulster alone for the affirmative.

Resolved, This Convention will, to the utmost of their power, comply with General James Clinton's requisitions for the support and supply of those fortifications.

Colo. Van Cortlandt has leave of absence.

DIE SABBATI, 9 HO. A. M.

Sept. 7th, 1776.

The Convention met pursuant to adjournment.

PRESENT—Abraham Yates, Junr. Esquire, *President*.

Mr. Robt. Harper, Mr. Jay, Mr. Duane—*New-York*.

Major Lockwood, Colo. Gil. Drake, Mr. Haviland—*Westchester*.

Mr. Yates, Genl. Ten Broeck, John Ten Broeck, Mr. Cuyler, Mr. Van Rensselaer, Mr. Adgate, Col. Livingston—*Albany*.

Mr. Wm. Harper, Mr. Moore, Mr. Newkirk, Mr. Veder—*Tryon*.

Colo. Dewitt—*Ulster*.

Mr. Jos. Smith, Colo. Allison, Mr. Wisner—*Orange*.

Mr. Duer, Colo. Williams, Major Webster—*Charlotte*.

Doctr. Crane, Mr. R. R. Livingston, Mr. H. Schenk, Mr. Gil. Livingston, Capt. Platt—*Dutches*.

Mr. Stevens, Mr. Sessions—*Cumberland*.

The Convention was informed by several members that the stores from White Plains, for the removal whereof John Cregier was lately sent, are now arrived at Mr. Bogardus' Landing, in a small sloop or pettiauger, under a guard of a sergeant and twelve men, who ought to be immediately discharged and furnished with provisions for their return.

Ordered, That said stores be landed, and stored under the care of Nathaniel Sackett, Esqr. who is hereby appointed a commissary for that purpose; and that Mr. Sackett be and hereby is authorized and requested to furnish and provide the guard with provisions for their return.

Mr. Smith, of Suffolk county, informed the Convention that a certain person of the name of Harrison is in the neighbourhood, and can give some information relative to the situation of the enemy and disaffected on Nassau island.

Mr. Harrison says that the Ministerial troops have been to Oyster Bay and Hempstead; that the disaffected inhabitants have joined to assist the enemy, and proceeded as ar as Setaucket; that General Howe has set guards to prevent any person coming off the island, or removing cattle; that Isaac Ketcham has taken a commission and got some men; that Wm. Smith, of administers oaths of fidelity or allegiance to the inhabitants, and that Thos. Smith, of Hog island, receives their submissions; that Colo. Livingston is moving westward on the island with the militia; that a number of men were going from Connecticut to bring off some gunpowder from Huntington, and a quantity of flour there which one Ireland had sold to the Ministerial army; that he saw Colo. Smith, of Suffolk county, in Connecticut.

Ordered, That Colo. Dewitt, Mr. Wm. Smith and Mr. R. R. Livingston, be a committee to devise ways and means to succour the subjects of this State on Nassau island.

On motion of Mr. Jay,

Resolved, That a committee of safety and correspondence for that part of this State which lies below the High-

lands, be immediately formed; and that Colonel Remsen, Major Abeel and Major Peter P. Van Zandt, be that committee. And,

Ordered, That Mr. Duane, Mr. Jay, and Mr. Duer be a committee to draw up instructions for that committee of safety; And

Ordered, That Colo. Hoffman be excused from attending at New-York as a correspondent, according to his late appointment for that purpose.

Resolved unanimously, That the committee of safety and correspondence at New-York be appointed and authorized to take from the doors of the houses in the city of New-York all the brass knockers, and that they cause the same to be sent to some careful person at New Ark, in New-Jersey, with all possible despatch; that the said committee keep as accurate an account as possible of the weight and value of them, and of the houses from whence taken, in order that satisfaction may be hereafter made to the respective owners.

The residue of the morning was spent in preparing the resolutions for reinforcing the garrisons of the forts on Hudson's river.

The long preamble prepared by Mr. Duane, and many other parts were read, amended and agreed to.

Mr. Wisner, of Orange, moved, and was seconded, that a bounty be allowed to the militia now to be called into service in this State.

Debates arose, and the question being put, the votes were as follows, vizt:

For the affirmative.		*For the negative.*	
Cumberland,	2	Charlotte,	2
Albany,	6	Tryon,	3
Orange,	3	Dutchess,	5
	11	Westchester,	4
			14

But by reason of the absence of several members, the consideration of allowing bounty is deferred till afternoon.

Die Sabbati, 4 *ho. P. M. Septr. 7th*, 1776.

The Convention met pursuant to adjournment.

Present—Abraham Yates, Junr. Esqr. *President.*

Mr. Robt. Harper, Mr. Duane, Mr. Jay—*New-York.*

Colo. Drake, Major Lockwood, Mr. Haviland—*Westchester.*

Mr. Ab. Yates, Genl. Ten Broeck, Colo. P. Livingston, Mr. Adgate, Colo. Van Rensselaer, Mr. Cuyler, Mr. John Ten Broeck—*Albany.*

Mr. Wm. Harper, Mr. Moore, Mr. Veder—*Tryon.*

Colo. D. Witt—*Ulster.*

Mr. Wisner, Colo. Allison, Mr. Jos. Smith—*Orange.*

Mr. Webster, Colo. Williams, Mr. Duer—*Charlotte.*

Mr. Robt. R. Livingston, Mr. Gilbt. Livingston, Mr. Platt, Doctr. Crane, Mr. Schenk—*Dutches.*

Mr. Stevens, Mr. Sessions—*Cumberland.*

The Convention resumed the consideration of the report of the committee who were sent to visit the forts Montgomerie and Constitution, and after some time spent thereon, and the completing of the resolutions designed for reinforcing the garrisons at those fortifications, with the preambles thereto, and the appointment of the officers to command such reinforcements, the same being finally read and agreed to, are in the words following, to wit:

The committee appointed the second instant to visit and examine into the state of forts Montgomerie and Constitution, in the Highlands, laid before the Convention returns from different officers at those fortresses showing the condition and wants of the respective garrisons; from which, and the report of the committee, among other things, it appears that there are at present no more troops in the Highlands than 764; whereof 398 are at Fort Montgomery and 216 at Fort Constitution; that the troops consist of the militia of the State, excepting five companies of the Second New-York Continental Battalion.

That to render Fort Constitution tenable, the west point that commands it, ought to be fortified; that considerable progress is made in fortifying an advantageous eminence on the western shore, a little to the south of Fort Montgomery, and within the reach of cannon, but it is still incomplete.

That the remaining part of the said troops, being 150, is employed in erecting works on the east side of the river, about 3 miles below Fort Montgomery, at a place called Red Hook, near Peekskill, which are well calculated to prevent the enemy's landing on that side and becoming masters of the Highlands opposite to Fort Montgomery.

That Brigadier-Genl. James Clinton, commanding at the said fortresses, informed the committee that exclusive of the post at Red Hook, an augmentation of one thousand men was requisite for completing and defending the fortresses under his direction, and earnestly requested that this Convention would immediately procure such reinforcement, as well as the several articles of ammunition, stores and necessaries hereafter specified, of which he stood in the utmost need.

This Convention having duly considered the said representation and requisition, and well knowing how much the safety of this State, as well as the success of the united efforts of this oppressed Continent in the defence of our common liberties, must depend on maintaining the possession of Hudson's river, and guarding it against the invasion which is to be apprehended from the enemy; considering at the same time, the little probability that it can at present be in the power of His Excellency General Washington to detach for this service any of the army which is employed in opposing the progress of the enemy in the southern parts of this State, the Convention must again have recourse to the good people of this State, not doubting but that, inspired by a virtuous love for their country, they will on an occasion so pressing, and at a period when their lives, their liberties and every temporal blessing are in imminent danger, stand forth with zeal and alacrity in the greatest and best of causes. Therefore,

Resolved, That six hundred men be, with all possible despatch, detached from the militia of this State, and sent to the forts Montgomery and Constitution, as a reinforcement to those garrisons.

That 150 men from that part of the county of Albany which is within and to the southward of the manor of Rensselaerwyck, including the city of Albany; 175 men from the county of Dutches; 200 men from the county of Ulster, and 75 men from that part of the county of Orange which lies above the mountains, all exclusive of commissioned officers, be immediately detached by ballot, and marched to augment the garrisons at forts Montgomery and Constitution.

Resolved, That the above reinforcement continue in service two months after their arrival at the said fortresses; and that this Convention will discharge them sooner in case sufficient garrisons of Continental troops shall be ordered to and arrive at those forts before the expiration of the said two months; and that the militia so drafted, shall be entitled to the same pay and rations as are allowed to the Continental troops.

Resolved, That the above levies be formed into companies in the following manner, to wit:

Those from the county of Ulster, into three companies; and those from Albany and Dutches, respectively into two companies each, and those from the county of Orange, into one company; and that each company have one captain, two lieutenants, four sergeants, four corporals, one drummer and one fifer.

That the said reinforcement shall be formed into one battalion, to be commanded by a colonel, lieutenant-colonel and major, to be appointed by this Convention; that a surgeon, adjutant and quarter-master, shall be appointed for the said battalion, the first by the Convention, and the two last by the colonel; that the captains and subalterns be appointed by the field officers of the regiments in each respective county from which the quotas are to be raised, out of the militia officers; having regard to their rank and the

dates of their commissions, if a sufficient number of such are willing to serve, if not, that they shall be at liberty to appoint such others as they may think properly qualified; and that the non-commissioned officers be appointed by the captain of each company under whom they are to serve.

Resolved, That each non-commissioned officer and private shall provide himself with a good musket or firelock, bayonet or tomahawk, a blanket and knapsack, and every six men with a pot or camp kettle; and that one penny per mile be allowed to each non-commissioned officer and private during their march for subsistence money, and one day's pay for every twenty miles between their respective homes and rendezvous, going and returning.

And to the intent that the levies so raised may not be unfurnished with arms, the committees in the different townships and districts in the said counties, and the colonels of the respective regiments, are hereby authorized and empowered to furnish all such as have not arms, by taking them from those who are not drafted, and such other persons in the districts as have arms, being valued by the committee of each district, the amount of such valuation hereafter to be paid to the proprietors of the said arms by this Convention, or the arms restored in the same order to their former proprietors.

Resolved, That Colo. Johannes Snyder of Ulster county, be and is hereby appointed colonel; Lieutenant-Colonel John Bailey, Junr. of Dutches county, to be lieutenant-colonel, of the levies now ordered to be detached from the counties of Albany, Ulster, Dutches and Orange; and that a commission be sent blank to the committee of Albany for a major for the said levies, to be offered first to the eldest major of the militia in the county of Albany, and in case of his refusal, to the next eldest in succession, until it is accepted.

Resolved, That new commissions issue for the officers of those detachments; and that the field officers be by those commissions appointed to that command, in addition to their former commands in the militia of their respective counties.

Resolved, That 50 spades, 50 wood axes, 50 pickaxes, 24 shovels, 25 billhooks, 200 wt. of lead, 1,000 wt. langrage, 1,000 round and bar shot for nine-pounders, 50 sets of cast iron carriage wheels for cannon, 1,000 wt. of nails for building barracks, 1,000 rounds of 6-lb. ball and grape shot, three sets of men's harness for drawing cannon, 30lb. of twine, 12lb. of thread for cartridges, and one armourer with the tools of his business, be immediately procured and forwarded to Fort Montgomery; and that John Schenk be appointed an agent for that purpose, with authority to draw on the Treasurer for a sum not exceeding 2,500 dollars, for which he shall keep and render an exact account.

Ordered, That the Treasurer of this State pay to John Schenk, as agent for furnishing the forts Constitution and Montgomerie with the articles directed by this Convention any sums for which he may apply, not exceeding 2,500 dollars, for which Mr. Schenk is to keep and render account.

The subject of granting a bounty to the detachments of militia, ordered by the aforegoing resolutions, was reassumed. After a short time spent therein the further consideration thereof was postponed till next week.

The following preamble was read, and agreed to, to introduce the copies of the aforegoing resolutions, which shall be sent to the commanding officers of the militia, in the counties from whence the militia are ordered to be detached, vizt:

"The committee appointed to visit and examine into the state of the fortresses in the Highlands, report, (among other things,) that an immediate reinforcement is necessary and earnestly requested by General Clinton, the commanding officer."

Ordered, That the Secretaries prefix this preamble to the copies to be sent to the officers of the militia in the counties instead of the other long introduction.

Ordered, That a copy of the said resolutions be immediately prepared and despatched to the Delegates of this State at Congress, and that Mr. Robert R. Livingston prepare a draft of a letter to the Delegates of this State at Congress, to accompany the said resolutions.

Ordered, That a copy of the resolution of this Convention for removing bells from the churches and public edifices in New-York, be sent to the Delegates of this State at Congress.

Ordered, That a certified copy of the [report of the] committee on General Washington's letter relative to sending forces to King's Bridge, be sent to the Delegates of this State at Congress.

The Convention were informed that there are several women, and a number of children, amounting to fifteen in the whole, at Capt. Wiltse's landing, in a store house, who came from New-York, and say that they were sent out by the committee; but that they have not certificates, which the committee usually gave; that they are willing to work but are poor and have not subsistence; that the widow and children of Isaac Teller deceased, are near this place without support, and the widow in a sick and low condition.

Ordered, That Major Henry Schenk have discretionary power to provide for the maintenance of the poor now at Wiltse's landing, and also for the widow and children of Isaac Teller deceased.

Resolved unanimously and Ordered, That the Treasurer of this State stop payment of all accounts passed by the Auditor-General for Colo. Smith's regiment of levies, and for the drafts of the militia from Kings and Queens counties, commanded by Colo. Remsen, till he shall receive further orders from this Convention, or a future Legislature of this State.

Resolved, That the President, Mr. Wm. Smith, Major Webster, Mr. Duane, Mr. Adgate, and Mr. Jay, be a Committee of Safety of this State, until the next meeting of a Representation of the State in this Convention; that the President and three members be a quorum of that Committee; that every member of this Convention who shall attend, shall have a voice; and that the said Committee be, and is hereby, authorized to take every measure necessary for the safety, defence and protection of this State.

Colo. D. Witt has leave of absence to go home and return as soon as possible.

Mr. Duer has leave of absence for two or three days.

Mr. Wisner, Mr. Jos. Smith and Colo. Allison obtained leave of absence to return on Monday at noon.

Doctor Crane had leave of absence to return on Monday next at two o'clock.

Mr. Robt. R. Livingston had leave of absence to return on Monday next.

Mr. R. R. Livingston, according to order, reported a draft of a letter to the Delegates of this State at Convention, which was read, and referred to the Committee of Safety.

Ordered, That Nathaniel Sackett, Esqr. as Commissary, deliver to any of the Deputies of Charlotte county 1,500 weight of lead, and 1,000 flints, to be sent to Charlotte county for the use of the inhabitants of that county, to be paid and accounted for by the county committee, and inhabitants of that county, to this State; Mr. Sacket to take a receipt for the same, of the Deputy to whom he shall deliver it. And

Ordered, That Mr. Sackett deliver one ton and a half of lead to any of the Members of Tryon county, together with 3,000 flints, for the use of the inhabitants of that county, to be paid and accounted for by the inhabitants of that county to this State; and that Mr. Sacket take a receipt for the same of the Deputy to whom it will be delivered.

JOURNAL

OF THE

COMMITTEE OF SAFETY.

1951848

SUNDAY MORNING,

Sept. 8th, 1776.

The Committee met pursuant to adjournment.

Present—Abraham Yates, Esqr. *President*.

Mr. Bancker,	Mr. Stevens,
Mr. Duane,	Mr. Sessions,
Mr. Adgate,	Mr. Wm. Harper,
Mr. Moore,	Mr. Veder,
Mr. Ten Broeck,	Mr. Cuyler.
Mr. Lockwood,	

Ordered, That Nat. Sacket, Esqr. as Commissary, deliver one ton of lead to the Deputies of the county of Albany for the use of the inhabitants of that county, and take a receipt for the same. The county committee and inhabitants of the county of Albany to account and pay for the same to this State.

DIE LUNÆ, 11 ho. a. m.

Septr. 9th, 1776.

The Committee met pursuant to adjournment.

Present—Abraham Yates, Junr. Esqr. *President*.

Capt. Platt, Major Lockwood, Mr. Haviland, Mr. Wm. Smith, Colo. Drake, Colo. Van Rensselaer, Mr. Cuyler, Mr. Jay, Mr. Adgate, Mr. Sessions, Major Webster and Mr. Stevens.

A letter from Brigadier-Genl. Scott, dated the 6th inst. and received yesterday by Sa. Dyckman, the messenger, was read and filed. He therein, in pursuance of the request of the Convention on the instant, gives a particular account of the situation and movements of the army since the retreat from Nassau island. It was represented to this Committee that a certain Warns is spreading or propagating false and mischievous reports, tending to injure the cause of America.

Ordered, therefore, That he be forthwith apprehended and brought before the Convention of this State, or this Committee of Safety, and that Capt. James Weeks apprehend him accordingly.

Ordered, That Mr. Cuyler and Capt. Platt, be a committee to take the spears brought from New-York and get a model made for making other spears with such alterations and amendments as they may think most advantageous.

Ordered, That a copy of the resolution of the Convention of this State for furnishing Fort Montgomery with the articles and stores reported by the committee as wanted by Genl. Jas. Clinton, be immediately despatched to Mr. John Schenk, and that the President write a letter to Mr. John Schenk, requesting his immediate answer whether he will undertake the agency therein mentioned, and if he should undertake the same, that he make the utmost despatch.

The said letter and order was despatched immediately.

Resolved, That a letter be written by the President to General J. Clinton at Fort Montgomery, acquainting him of the reinforcement directed by the Convention of this State for the fortresses under his command, and that he be requested to forward barracks for their reception as soon as possible.

A short letter was accordingly written and signed by the President, and delivered to be forwarded to General James Clinton.

A letter received yesterday noon from his Excellency General Washington, was read, and is in the words following, to wit:

"*Head-Quarters, New-York, Septr. 6th*, 1776.

"Sir—I have now before me your letter of the 4th instant, enclosing the report against ordering out any more of the militia from the counties of Orange, Dutchess, Westchester or Ulster. The reasons alleged by the committee to whom this matter was referred, are entirely satisfactory to me, and therefore I do not expect a compliance with that part of my letter which respects this matter.

"I have the honour to be
"Yr. most obedt. servt.
"GO. WASHINGTON.

"To the Honble. Abraham Yates, Junr. Esqr. President of the Committee of Safety of the State of New-York."

Die Lunæ, 4 *ho. P. M. Septr. 9th*, 1776.

The Committee met pursuant to adjournment.

Present—Abraham Yates, Junr. Esqr. *President*.

Colo. Peter R. Livingston, Mr. Robert Harper, Mr. Wm. Harper, Mr. Adgate, Major Webster, Mr. Sessions, Colo. Drake, Capt. Platt, Mr. Haviland, Mr. Wm. Smith.

A letter received of General James Clinton, was read, and is in the words following, to wit:

"*Fort Montgomery, Septr. 8th*, 1776.

"GENTLEMEN—Agreeable to your request I send you a return of articles wanted at the fortifications in the Highlands. I have made a return of carpenter's tools; the reason of it is, that we have many carpenters amongst us that we can't employ for want of tools. I have sent to New-York to the Quarter-Master-General, for nails. I am in hopes he will supply me. I don't much expect to get shingles. If they can't be got, we must use boards. As many of our arms want repair, we would be glad to have an armourer with his tools here for some time. I gave you an account of the artillery stores and ordnance at each garrison, when you were here, with the number of men at each post, therefore, think it unnecessary to send it again. In case of an attack, I think we are too weak of men, therefore expect you will consider of some way to reinforce us, if you judge it necessary.

"I am, gentlemen,
"Your most obedt, humble servant,
"JAMES CLINTON, *B. Genl.*"

The following return of necessaries wanted at the fortifications in the Highlands, enclosed in General James Clinton's letter, was also read, and is as follows, vizt:

"*A return of necessaries wanted at the fortifications in the Highlands:*

50 axes,	700 wt. of iron,
50 spades,	25 pound blistered steel,
25 mattocks,	400 wt. of 10*d.* nails,
25 billhooks,	300 wt. of 20*d.* do
25 shovels,	30 hogsheads of lime,
20 wheelbarrows,	7,000 feet of 3 inch plank,
1 doz. flat and half round files,	An armourer with his tools is wanted much,
1 doz. three square do	5,000 wt. of lead,
2 large sledges,	10lb. of thread,
2 hand vices,	2,000 of tacks,
10 broad axes,	24 sheep skins,
10 hand saws,	1,000 wt. of 6-lb. shot,
10 hammers,	1,000 wt. of 9-lb. shot, one-half of each double headed,
5 iron squares,	1½ ton of grape shot, from 4 to 6 oz. wt.
2 doz. of nail gimblets,	1 large magazine lock,
6 pair of compasses,	2 pair of shears,
5 set of framing chisels and augurs,	50 set of cast carriage wheels,
6 spike gimblets,	10lb. of twine,
2 set of match planes for inch and inch and a half planks,	A quantity of oil and paint to paint the carriages.
32 thousand brick,	
10,000 shingles,	

A letter from His Exellency General Washington, dated yesterday, and received by a messenger, was read, and is in the words following, to wit:

"*Head-Quarters, New-York, Septr. 8th*, 1776.

"SIR—I have just received the resolve of your Convention, respecting the removal of the bells belonging to the different churches and public edifices in this city to New Ark, in the Province of New-Jersey. The measure I highly approve of, and shall accordingly have it carried into execution.

"I have lately been conversing with Genl. Clinton, concerning the defence of the forts on the Highlands, who agrees with me in sentiment that the force already there, is by no means sufficient. I should, therefore, conceive it would be greatly in advancement of the service, if you would cause a reinforcement of the militia amounting to about six hundred, to be sent there, from the counties of Ulster and Orange, or any other that may be most proper and convenient. They may be usefully and importantly employed, as well in the defence of the Highlands, in case they should be attacked, as in erecting new works and fortifications, by which they may be rendered more secure.

"I am, sir, yr. most obed. servt.
"G. WASHINGTON.

"Honble. AB. YATES, Junr."

Another letter from General Washington, received by the same messenger, was also read, and is in the words following, to wit:

"*Head-Quarters, N. York, 8th Septr.* 1776.

"SIR—I wrote you this morning by your express, but omitted mentioning a matter of consequence. It being determined to remove our sick to Orange Town, we shall want four large Albany sloops for that purpose. The fatigue of travelling that distance by land, would not only be more than the patients could bear, but we have full employ for our wagons in transporting baggage, tents, &c. for the troops from hence to our outposts. I must, therefore, beg the favour of your Honourable Body to procure the above number of vessels, and send them down with as much despatch as possible to this city.

"I am with respect, sir,
"Your most obt. servt.
"GO. WASHINGTON.

"*P. S.*—I shall be glad to know by return of the express, when I may probably expect the sloops down. There are several now in the lower parts of the river, with boards. Perhaps you might engage them to come this way, which would save time.

"ABRAHAM YATES, Junr. Esqr.
Prest. Convention of New-York."

Resolved, That Brigadier-Genl. James Clinton be requested to send a careful officer in a whale boat well manned, down Hudson's river, to impress four large river sloops, to go to New-York for the sick, agreeable to the request of His Excellency Genl. Washington, and that a press warrant issue for that purpose.

And lest such four sloops should not be large enough for the purpose,

Resolved, That two other sloops be impressed at Fishkill landing, and despatched for the same purpose.

Ordered, That the Secretary present prepare a copy of the resolutions of the Convention of this State of the seventh instant, for detaching from the militia of this State a reinforcement to the garrisons of the fortifications in the Highlands, to be sent to His Excellency by the return of his messenger.

A draft of a letter to Genl. Washington was read and approved, and is in the words following, to wit:

"SIR—Your Excellency's letters of the 8th instant this moment arrived, and we are happy to inform you that the resolutions enclosed, have anticipated your Excellency's recommendation relative to a reinforcement for the fortresses in the Highlands; and although we have done every thing in our power to raise them with despatch, we are apprehensive that the whole will not arrive there within less than fourteen days, and that all the week will elapse before any of them will be got to the post.

"The vessels for the sick shall be procured as soon as possible, and sent to the city of New-York, for which purpose we have directed every empty vessel down the river to be impressed, until the number required is procured, and have ordered two others from Fishkill Landing, lest the vessels might be small, and four of them insufficient. Their despatch will depend upon wind and weather. We suppose, however, they may be down by Wednesday and Thursday next.

"I have the honour to be,
"With the greatest respect,
"Your Excellency's most obedt. hum. servt.

"To His Excy. Gen. WASHINGTON."

Ordered, That a copy thereof be engrossed, and signed by the President, and, together with a copy of the resolutions of the 7th instant for detaching part of the militia, transmitted to His Excellency by his messenger.

A draft of a letter to Brigadier-General Clinton, was read and approved, and is in the words following, to wit:

"SIR—The Committee received your letter of the 8th inst. covering a list of the articles wanting at your garrison, and have appointed a person to procure the same. They have also to acquaint you they passed a resolve, and have forwarded the same to the respective brigadier-generals of Ulster, Orange, Dutchess and Albany, to reinforce your garrisons with six hundred men, with all speed. I have it

in charge to desire you to despatch a whale boat well armed, with a proper officer, early to-morrow morning, to proceed towards New-York, with orders to impress four of the first large convenient sloops they may meet with, and send them to the city of New-York, by request from General Washington, in order to bring up the sick to the town of Orange, in Orange county, for which purpose the captains of the sloops on their arrival, are to apply to the Director-General of the Hospital.

"I am, respectfully, sir,

"Your very humble servt.

"By order.

"To Brigadier-General JAMES CLINTON."

A warrant for impressing sloops was sent to Genl. James Clinton, in the words following, to wit:

"SIR—You are hereby required, authorized and empowered, to proceed with a whale boat, well manned, towards New-York, and impress the first four large convenient river sloops you meet with, and send them, (in pursuance of a request of His Excellency General Washington) to the city of New-York, to remove the sick from the hospitals there to Orange Town, in the county of Orange; for which purpose you will direct the captains of the said sloops respectively, on their arrival at New-York, to inform General Washington of their arrival and to apply to Doctor Morgan the Director-General of the Hospital for further orders, for which this shall be your sufficient warrant.

"By order of the Committee.

"ABM. YATES, JUNR. *Presidt.*

"To such officer as Genl. JAMES CLINTON,
shall appoint to execute this warrant."

Ordered, That Mr. McKesson pay the bearers of the above letter and warrant, eight shillings to engage them to make despatch.

Ordered, That John Moore, Esqr. one of the members of this Convention, be authorized to proceed to Fish Kill Landing, and there impress two sloops, with proper persons to navigate them, to New-York, to assist in the removal of the sick from the military hospitals to Orange Town.

Thereupon a warrant was issued to him in the words following, to wit:

"SIR—You are hereby required, authorized and empowered, to proceed to the different landings near Fishkill, and impress the first two large convenient sloops you may find, and send them, (in pursuance of a request of His Excellency General Washington,) to the city of New-York, to remove the sick from the hospital there to Orange Town, in the county of Orange; for which purpose you will direct the captains of the said sloops respectively, on their arrival at New-York, to inform General Washington of their arrival, and to apply to Doctor Morgan, the Director-General of the Hospital for further orders, for which this shall be your sufficient warrant.

"ABM. YATES, JUNR. *President.*

"To JOHN MOORE, Esquire."

The Committee were informed that Wm. Warne, who has been apprehended by their order, is attending in custody.

Ordered, That he be brought in for examination.

Mr. Warne, of Fishkill, wheelwright, being examined, says, that the news he told that 30,000 men were arrived on Long island, he heard on Long island from the inhabitants there; that he came from Long island on Thursday last; that David Colden told him there were above 30,000 men on Long island, and that 10,000 more were lately arrived at Staten island; that either David Colden, or some other person, informed him that 15,000 more were expected; that a doctor told him that Genl. Burgoyne had so many men in Canada of the Canadians and Indians, as with 800 regulars, amounted to 25,000; that he was informed that men were killed, and 1,500 taken prisoners; that he was informed that Lasher's battalion was so far destroyed that it would not be recruited; that Doctor Ogden informed that Suffolk county had given up; that Genl. Howe had sent to Suffolk county; that if they would submit and testify their loyalty, they must send him 200 wagons, and that near 300 had passed his house; that one of the lighthorsemen told he had taken Genl. Woodhull in the dark in a barn; that before he would answer when he spoke to the General, he had cut him on the head and both arms; that the ships in the Sound prevented his getting off the island; that the enemy said they had about 200 men killed and wounded.

William Warne, by order, withdrew.

Ordered, That he be committed to the custody of Capt. Weeks till further order, and that Capt. Platt direct that the witnesses against him be summoned to attend this Committee and give evidence.

A draft of a letter to the Delegates of this State in Congress, reported by Mr. Robt. R. Livingston on the 7th instant, was read, amended and approved of, and is in the words following, to wit:

"GENTLEMEN—Sensible of the great importance of the posts in the Highlands, we have lately directed an inquiry into their situation, which will appear from the enclosed returns to be far from such as we could wish.

"The necessity General Washington has of all the troops that compose his army at New-York, prevented his sparing to these fortresses sufficient garrisons or the necessary stores. What may be the fate of the country below the Highlands is as yet uncertain, and may possibly depend on the event of a single battle. Should these posts be properly secured, we cannot but hope that the greater part of this State might nevertheless be retained, and the communication between the northern and southern States be by that means kept up; for which reason we wish you to call the attention of the Congress to an object of whose importance they have always been sensible, and to ask a proper supply of stores. We have already afforded them all in our power to supply. Fire ships would be of great use, yet for want of materials we are unable to proceed in preparing them.

"Seamen cannot be procured here to man our armed vessels without the greatest delay and difficulty, unless drafted from the army; perhaps they may be got at Philadelphia.

"By the enclosed resolves you will find that we have endeavoured to reinforce the garrisons in the Highlands. As these men are all taken from the plough, we are very anxious to have them relieved as soon as the circumstances of the Continent will admit.

"We have borrowed of the State of Connecticut twenty pieces of cannon, ten 12 and ten 6 pounders, for the forts; we wish they were heavier, but we fear this deficiency cannot be supplied, and therefore must endeavour to do without them.

"You will find by the enclosed resolves that we have taken measures to increase the number of our field artillery. You will be mindful to transmit us every public resolve of Congress, and at least one of the Pennsylvania Gazettes every week.

"We are most respectfully, gentlemen.

"To the Delegates of the State, &c."

Ordered, That a copy of the said letter be engrossed, and subscribed by the President, and transmitted, and that the Secretaries enclose therein copies of all the resolutions which have lately been ordered to the Delegates.

DIE MARTIS, 8 HO. A. M.

Septr. 10th, 1776.

The Committee met pursuant to adjournment.

PRESENT—Abraham Yates, Junr. Esqr. *President.*

Mr. Bancker, Mr. Robt. Harper, Mr. Jay—*New-York.*

Doctor Crane, Mr. Sackett, Capt. Platt. Mr. H. Schenk—*Dutchess.*

Mr. Yates, Genl. Ten Broeck, Mr. Jno. Ten Broeck, Colo. Van Rensselaer, Mr. Adgate, Colo. Livingston, Mr. Cuyler—*Albany.*

Mr. Harper, Mr. Veder, Mr. Moore—*Tryon.*

Mr. Wm. Smith—*Suffolk.*

Major Lockwood, Mr. Zeb. Mills, Col. Gil. Drake, Mr. Jonathan Platt—*Westchester.*

Major Webster—*Charlotte.*

Mr. Wisner, Major Parks—*Ulster.*

Colo. Allison, Mr. Wisner—*Orange.*

Mr. Sessions, Mr. Stevens—*Cumberland.*

Mr. John Schenk attending, informs the Committee he is ready to execute their orders. Colo. Livingston informed the Committee that the following articles, mentioned in General James Clinton's return of necessaries for forts Montgomery and Constitution, are in store at Fishkill Landing, and may be ordered out to Mr. John Schenk for the forts.

Thereupon the following order was unanimously made and signed by the President, vizt:

"Please to deliver to Majr. John Schenk, out of the stores in your custody, the following articles, for the use of forts Montgomery and Constitution, taking his receipt for the same: 25 spades, 25 billhooks, 12 shovels, 5,000 weight of lead, delivering first all the lump lead in store, and the residue in ball and buck shot, and seven skeins or balls of thread.

"AB. YATES, JUNR. *Presidt.*

"To NATHANIEL SACKETT, Esqr."

The following order was given to Mr. John Schenk, for supplying the fortifications, instead of the order made by the Convention on the seventh instant, the copy whereof Mr. Schenk returned:

"SIR—You are requested, with all despatch, to procure the under mentioned articles for the use of the garrisons of forts Montgomery and Constitution, and as soon as they are ready, to send them to Brigadier-General James Clinton, commander at the said garrisons, taking his receipts for the same, vizt:

An armourer, with all his tools complete.
50 wood axes.
25 spades.
25 mattocks.
13 shovels.
20 wheelbarrows.
1000 wt. of 6 lb. iron shot, } One-half of each double-headed.
1000 wt. of 9 lb. do. }
3000 wt. of grape shot, from 4 to 6 oz.
50 sets of great gun carriage wheels.
32 M. bricks, 10 M. shingles.
700 wt. of bar iron. 25 lb. of blistered steel.
400 wt. of 10*d.* nails.
300 wt. of 20*d.* nails.
7000 feet of three-inch oak plank.
20 hogsheads of lime.
2000 tacks.
24 sheepskins; 1 large magazine lock; 2 pr. shears.
A quantity of oil and paint, to paint the carriages.
1 doz. of flat and half round files; 1 doz. of 3-square do.
2 large sledges; 2 hand-vises; 10 broadaxes.
10 handsaws; 10 hammers; 5 iron squares.
2 doz. nail gimblets; 6 pair of compasses.
5 sets of framing chisels and augurs.
6 spike gimblets; 2 sets match planes, for inch and ½ in. plank.
10 lb. of twine.

"By order,
"ABM. YATES, JUNR. *Presidt.*"

On motion,

Ordered, That Colo. Curtenius be requested to acquaint the Convention with the quantities of bar and other lead he has shipped off from New-York, the places where sent to, and the names of the persons in whose hands they are deposited, and of the residue of other military stores remaining in his hands.

Ordered, That Mr. Richard Norwood, Commissary, make a return to the Convention of this State, of the stores by him lately delivered to Zebediah Mills, and of those sent to General Clinton's encampment, or otherwise sent out of the city of New-York, and of such stores, if any, as he may have on hand.

Abraham W. Depeyster being called in at the request of a member, and desired to give such information respecting Jos. Reade, Esqr. as he had heard. Mr. Depeyster having mentioned sundry matters which he had heard of him, was directed to withdraw and reduce his testimony to writing in form of an affidavit, and bring it to this Committee.

A letter from Brigadier-General Peter Ten Broeck, dated the 23rd August last, was read and filed. He thereby recommends several gentlemen for field and staff officers of Colo. Graham's regiment; some of the field and other officers of that regiment being now in service.

He also requests blank commissions for three companies. He request to know whether the custom of electing officers is to be continued; alleges that thereby officers are generally appointed who have no command over their men; which matter he submits, and requests an answer.

Colo. Van Rensselaer, Capt. Platt and Colo. Livingston, to whom General Peter Ten Broeck's letter was committed, reported a draft of an answer, which was read and approved of, and is in the words following, to wit:

"SIR—I am directed by the Committee of Safety to acquaint you, in answer to your letter of the 23rd of August, it is their opinion that the respective officers now on duty are to be and remain the officers of the different regiments to which they belong, unless they should be removed by the fate of war; and that no new commissions will be granted to fill up any vacancies occasioned by officers called out in the service, but that they return to ther respective commands, at the expiration of the service they are now on.

"We shall forward you blank commissions for the three companies of militia, provided the officers are now out in actual service; if so, they are in the same predicament as above, to which we beg your answer.

"I am respectfully, sir, &c.

"To Brigadier-Genl. P. TEN BROECK,
Dutchess county."

Ordered, That a copy thereof be engrossed, and signed by the President, and transmitted.

Colo. Livingston and Colo. Allison are appointed a committee to report a plan of establishing riders to the city of New-York.

Capt. Zephaniah Platt informed the committee that Mr. Gysbert Schenk, who has been requested to give information of the late conduct of Wm. Warne, was attending at the door; being called in and examined, his deposition follows:

"*Dutchess county, ss.* Gysbert Schenck, of Dutchess county, being duly sworn, deposeth and saith, that William Warne lately informed the deponent that he had come from Nassau island; that he had been informed, and said it was the public report on the island, that the American army had lost, in killed and taken, about three thousand men; that he had also heard that the Royal army had lost about two hundred men; that he told the deponent that he had received his information from the regulars and the tories; that he also informed the deponent of a report that one man, by stratagem, had taken prisoners either ninety or ninety-nine of the American army, by informing them, when they had surrounded him, that they were then surrounded by a larger number, and advising them to club their arms and go with him, with which the Americans complied, and were thereby taken prisoners. That he also informed the deponent that Suffolk county had all surrendered; that the General had sent them a message, that if they would testify their loyalty they must send him two hundred wagons, and that they had sent about 300 wagons

to assist in removing baggage to Hellgate; that he also informed the deponent that he had heard that the regulars had thrown up a breast work opposite to the fortification at Horn's Hook, and demolished it; that the said William Warne informed the deponent that he had left Nassau island on Friday last; that he gave it as his opinion that the Royal army would conquer America.

"GYSBERT SCHENCK.

"Sworn this 10th day of Septr. 1776, before me,
"ABM. YATES, Junr. *President*."

Mr. Abraham W. De Peyster, agreeable to the directions given him this morning, brought in his affidavit, to which he was sworn, and is in the words following, to wit:

"*Dutchess county, ss.* Abraham W. D. Peyster, being sworn, deposeth and saith, that on Wednesday, Thursday and Friday, the fourth, fifth and sixth days of September, instant, he was at New-Rochelle, in the county of Westchester; that on one of the above named days he heard, (as far as he can at present recollect,) either Theodosius Bartow, of New-Rochelle aforesaid, or Anthony Abrahams, of the town of Westchester, in substance, say, in a conversation this deponent had with the one or the other of them on the American contest, that Joseph Reade, late of the city of New-York, attorney at law, but at present, as this deponent understood, a resident in the town of Westchester, was reputed a great tory; that the chief of his, the said Joseph Reade's conversation, was of the tory kind; and that he, the said Joseph Reade, had reported, that in the late battle on Long island, between the American army and that of the King of Great Britain, the Americans had lost either seven or fourteen thousand men. (This deponent cannot now recollect which of the two numbers was mentioned, but rather thinks fourteen.) This deponent further says, that the amount of all he heard at New-Rochelle at the time aforesaid, respecting Joseph Reid, was, that the said Joseph Reid was a great tory and very unfriendly to the American cause, and further this deponent saith not.

"A. W. D. PEYSTER.

"Sworn before me, this 10th Sept. 1776.
"ABM. YATES, Junr. *President*."

Ordered, That the said deposition be transmitted to the committee of Westchester county, with a letter, requesting them to proceed thereon.

A draft of a letter to the committee of Westchester county was read and approved, and is in the words following, to wit:

"SIR—I am directed by the Committee of Safety of this State, to send you the enclosed affidavit, and to request the committee of Westchester county to make farther inquiry into the conduct of the person charged, and take such other steps as shall seem proper to them.

"I am, sir, your very humble servt.
"By order.

"To the Chairman of the County Committee, Westchester."

Ordered, That a copy thereof be engrossed and signed by the President, and transmitted.

Two letters from Mr. Ebenezer Hazard, postmaster, the first dated the first, and the other the sixth day of September, instant, was read and filed.

In the first letter he informs, that he had submitted the matter about the privateer, for which the Committee applied to him, to the other owners, and sent the letter from the Committee to those owners. In the postscript to the first letter, and by his second letter, he submits to the Convention the propriety of establishing a rider from Dobb's ferry, where the post office is, to Head-Quarters; and that the Albany post should ride alternately on each side of Hudson's river, from New-Windsor upwards, and on the east side only below Fish Kill. And farther informs, that the Comptroller of the Post-Office had informed him that the Postmaster-General thought the office should be kept near Head-Quarters.

A draft of an answer to Mr. Hazard was reported by Mr. Robt. Harper and Genl. Ten Broeck, and approved, and is in the words following, to wit:

"SIR—Yours of the 1st and 6th instant, are now before us. I am, in consequence, directed to inform you, that it is the desire of the Convention that the Albany postrider should, in going from and returning to New-York, ride on the east side of Hudson's river, between the Fish Kill and the said city; and that he cross the said river at the Fish Kill or New-Windsor, when it is his turn to ride on the west side thereof; and the Convention have no objections to your keeping your office at Head-Quarters, or any other place which the post-master may think proper.

"I am, sir, &c.

"To Mr. EBENEZER HAZARD, &c."

Ordered, That a copy thereof be engrossed, and signed by the President and transmitted.

Mr. Moore reported that by virtue of the warrant of this Committee he had impressed the sloops of James Jackson and Martin Wiltse to proceed to the city of New-York.

DIE MARTIS, 4 *ho. P. M. Septr.* 10*th*, 1776.

The Committee of Safety met pursuant to adjournment.

PRESENT—Abraham Yates, Junr. Esqr. *President*.
Mr. Robert Harper, Mr. Jay—*New-York*.
Doctr. Crane, Mr. H. Schenk, Capt. Platt—*Dutches*.
Mr. Ab. Yates, Colo. Van Rensselaer, Mr. Cuyler, Genl. Ten Broeck, Colo. Livingston, Mr. Adgate—*Albany*.
Mr. Wm. Harper, Mr. Moore, Mr. Veder—*Tryon*.
Mr. Wm. Smith—*Suffolk*.
Colo. Gil. Budd, Colo. Van Cortlandt, Mr. Haviland, Mr. Jonathan Platt, Mr. Zeb. Mills—*Westchester*.
Major Webster—*Charlotte*.
Mr. Wisner, Major Park—*Ulster*.
Mr. Wisner, Colo. Allison, Mr. Jos. Smith—*Orange*.
Mr. Sessions, Mr. Stevens—*Cumberland*.

A member informed the Committee that three witnesses are by order attending at the door to be examined as to the conduct and declarations of Wm. Warne.

Doctor Theodorus Van Wyck was first called in and sworn; he delivered in his testimony in writing; being cross-examined by Wm. Warne, such additions thereto as became necessary were added—and the testimony is as follows:

"I saw William Warns the 7th instant, who told me he left Long island the 5th in the evening, and says the regular army in Long island is upwards of 30,000 strong; that 10,000 had lately arrived on Staten island, that 15,000 was daily expected; that Burgoyne's army of regulars, Canadians and Indians was 15,000; that they had spies throughout the Continent, and had intelligence of each other frequently; that in the late skirmishes on Long island we had lost in killed, prisoners and wounded 2,500; that when our troops evacuated Long island we left all our cannon and provisions; that our army behaved ill saving 2 regiments, vizt: a Jersey regiment and Col. Lasher's regiment; the latter but a few escaped; that the regulars loss did not amount to 200; that General Woodhull was taken with Increase Carpenter in the said Carpenter's barn; that General Howe sent to the inhabitants of Suffolk to come in and to show their loyalty, to send down 200 wagons; they immediately sent 300 wagons; he likewise told me he was almost a tory, and advised us all to turn tories that the King would certainly overcome us; that the said William Warne informed him that he heard the above mentioned matters from David Colden, a surgeon of the army, several of the light horse and Doctor Ogden;

that he did not say that he knew any of these things of his own knowledge.

"THEODS. VAN WYCK, JUNR.

"Sworn before me the 10th Sept. 1776.

"ABM. YATES, Junr. *President.*"

"Roeloff Schenck being duly sworn on the Holy Evangelists, deposeth and saith, that his brother Gysbert Schenck and others were present at the conversation with William Warne; that the said Warne informed them that the enemy were in possession of Nassau island; that the inhabitants were making their submission; that he said that from the information he had received the two armies of the enemy when they met would be near 80,000 men; that he intimated that he thought the Americans would be overcome; that he seemed inclined to think that the Americans had best to submit; that he also said that he had been informed that the regulars by a battery or some works on Long island had demolished the fort at Horn's Hook; that he said he had his information from David Colden, Doctor Ogden and others; that he said he heard a Highlander say that he had himself taken 99 men; that he informed that he had seen many of the officers, both Hessians and others; that he said those called friends to government were distinguished by a piece of something red on their hats; that he said he was not disposed to fight in the affair on either side, and that he would be willing to comply with the measures of Government, for he thought it would be in vain to resist, or words to that effect; that he further informed that he had heard that General Howe had sent down to the inhabitants of Suffolk county that if they did not submit he would send down his army and destroy them; that the different towns in that county had sent in addresses to the General; that he had directed them if they would testify their loyalty to send in 200 wagons to transport cannon and baggage towards New Town or Hell Gate, and that the different towns had sent 300 wagons; that he farther said that he had been informed that Justice Kissam was administering oaths of allegiance to the inhabitants.

"ROELOFF SCHENCK.

"Sworn the 10th day of Septr. 1776, before me.

"ABM. YATES, Junr. *President.*"

"Peter Horton being sworn on the Holy Evangelists, deposeth and saith, that Wm. Warne informed him that he had seen the regulars and some of the Hessian officers; that he said the regulars had told him they had killed, wounded and taken three thousand of our men; that he said he reckoned they would beat us; that he said he was a tory; that he told him one of the regulars said he had killed one man and taken 99 more, and that one of the light horse had killed two riflemen and taken two others; that this conversation was on last Saturday evening.

"PETER HORTON.

"Sworn the 10th day of Sept. 1776, before me.

"ABM. YATES, Junr. *President.*"

The doorkeeper was directed to take the said William Warne to Captain Weeks' or any other place where he may be safely kept till to-morrow morning.

Colo. Livingston and Colo. Allison, the committee to whom was referred the subject of employing post riders, delivered in their report, which was read.

Ordered, That the consideration thereof be postponed till to-morrow morning.

A letter from Colo. Henry Remsen, dated at New-Haven, the seventh instant, was read.

He therein informs that Mr. Peter Colt is agent for Colo. Trumbull, the Commissary-General, and employed up Hudson's river to purchase flour. He recommends Mr. Colt to the members of the Convention to direct him where to apply for flour.

Ordered, That Colo. P. R. Livingston, Mr. Wisner, Capt. Platt, Major Park be a committee to confer with Mr. Colt, and give him the best directions they can on that subject.

Colo. Remsen farther informs by his said letter, that he is waiting at New-Haven for the arrival of Capt. Harrison from Providence [with goods] which were imported by Mr. Van Zandt and himself for the State of New-York; that he expects them soon, and requests directions how to dispose of, or where to lodge, the said goods.

Ordered, That that part of Colo. Remsen's letter which relates to the dry goods be deferred for consideration till to-morrow morning.

Major Schenk informed the Convention that Capt. Wiltse's sloop which was impressed to go to New-York for the sick, is delayed for want of a master; that Capt. Wiltse's wife is in such a situation that he cannot go abroad, and that Capt. Bush declines going.

Ordered, That Major Schenk go to the landing and endeavour to procure some proper person to proceed with the said sloop immediately.

N. B. Colo. Van Rensselaer obtained the consent of all the members present to go home and take charge of his regiment, to furnish their quota of men, and to prepare and command the regiment should they be generally called to action.

DIE MERCURII, 9 HO. A. M.

Septr. 11th, 1776.

The Committee met pursuant to adjournment.

PRESENT—Abraham Yates, Junr. Esqr. *President.*

Mr. Robt. Harper, Mr. Duane, Mr. Bancker, Mr. Jay—*New-York.*

Doctr. Crane, Mr. Zeph. Platt, Mr. Sackett—*Dutchess.*

Mr. Yates, Mr. John Ten Broeck, Mr. Cuyler, Mr. Adgate, Genl. Ten Broeck, Col. Livingston, Mr. Robt. Yates—*Albany.*

Mr. Moore, Mr. Harper, Mr. Veder—*Tryon.*

Mr. Wm. Smith—*Suffolk.*

Mr. Wisner, Colo. Allison, Mr. Jos. Smith—*Orange.*

Major Webster—*Charlotte.*

Mr. Wisner, Junr. Major Parks—*Ulster.*

Colo. Van Cortlandt, Colo. Gil. Drake, Mr. Haviland, Mr. Jonath. Platt, Mr. Zeb. Mills—*Westchester.*

Mr. Stevens, Mr. Sessions—*Cumberland.*

The report of the committee on the subject of employing post riders to New-York, was again read. After some time spent thereon it was referred to the Convention of this State.

Colo. Remsen's letter of the seventh instant, from New-Haven, was again read. He therein requests directions how to dispose of a parcel of dry goods, imported by Mr. Van Zandt and himself for the use and on the account of this State.

Thereupon a draft of an answer to Colo. Remsen was read and approved of, and is in the words following, vizt:

"SIR—Your letter by Mr. Colt has been received, and the necessary instructions given him.

"You will be pleased to transport the goods you mentioned to Fishkill, in the most cheap and expeditious manner, and by no means suffer any of them to be detained or sold.

"When the Convention shall be particularly informed of the circumstances of the inhabitants who have lately quitted Long island, they will doubtless make such a provision for them as humanity and the condition of this State may render necessary and proper.

"We are, &c.

"By order.

"To Colo. HENRY REMSEN."

Ordered, That a copy thereof be engrossed, and signed by the President, and transmitted.

On consideration of the case of William Warne the Committee came to the following determination, vizt:

WHEREAS William Warne has been guilty of propagating divers false reports tending to injure the American cause, and hath also confessed to certain persons that he was a tory, and that in his opinion it was best for the country to submit to its enemies,

Resolved, That the said William Warne be committed to the jail of this county for one month; that the superintendents of the ship-yard at Poughkeepsie be requested and authorized to take the said Warne out of jail every morning and set him to work in the yards, and return him to jail every night; and that they pay him weekly such wages as his labour may be reasonably worth.

Resolved, That at the expiration of the said month, the said jailer bring the said Wm. Warne before the Convention or a Committee of Safety of this State, whichever of them may be then sitting, to the end that he may abide such further order as may be then made concerning him.

Ordered, That Capt. Évert Wynkoop Swart, or the next commanding officer of his company, send, with all possible despatch, two trusty sentinels, well armed and accoutred, ready to proceed to execute such orders as they may receive from this Committee of Safety.

WHEREAS the Reverend Samuel Seabury, of the borough of Westchester, in the county of Westchester, is notoriously disaffected to the American cause, and from his vicinity to the enemy, has opportunities of rendering them essential services:

Resolved, That Colo. Joseph Drake be directed forthwith to remove the said Samuel Seabury from Westchester to the house of Colo. John Brinckerhoff, at this place, to remain there till the further order of the Convention or Committee of Safety of this State; and that he be not permitted to leave the farm of the said Colonel Brinckerhoff, except in company with the Colonel.

On motion,

Ordered, That Col. Van Cortlandt, Mr. Jay and Mr. Robert Harper, be a committee to inquire into the circumstances of the Reverend Mr. Samuel Seabury, and report thereon to the Convention.

Ordered, That the President sign, and that one of the Secretaries countersign, six blank commissions, to be delivered to Mr. Crane, for certain officers in Dutchess county, and five others for certain officers in the county of Ulster, to be delivered to Christopher Tappen, Esquire.

Major Schenk informed the Committee that, in obedience to their order of last night, he had endeavoured to procure hands to navigate the sloop from the landing of this place to New-York, to remove the sick to Orange Town, but that he has not been able to procure any. Therefore,

Resolved, That Henry Schenk, Esqr. be and he is hereby authorized and empowered to impress a river sloop, with a master and men to navigate her, and that Mr. Schenk cause the said sloop to proceed immediately to the city of New-York, to remove such indisposed persons of the army as Genl. Washington, or Doctor Morgan, the Director-General of the Hospital, shall be pleased to order on board, to Orange Town, in the county of Orange.

DIE JOVIS, 9 HO. A. M.

Septr. 12th, 1776.

The Committee met pursuant to adjournment.

PRESENT—Abraham Yates, Junr. Esqr. *President*.

Mr. Bancker, Mr. Robt. Harper, Mr. Duane, Mr. Jay—*New-York*.

Doctr. Crane, Capt. Zeph. Platt, Mr. Sackett—*Dutches*.

Mr. Ab. Yates, Genl. Ten Broeck, Colo. Livingston, Mr. Adgate, Mr. Robert Yates, Mr. Cuyler, Mr. Jno. Ten Broeck—*Albany*.

Mr. Moore, Mr. Harper, Mr. Veder—*Tryon*.

Mr. Wm. Smith—*Suffolk*.

Col. Van Cortlandt, Col. Gil. Drake, Mr. Haviland, Mr. Jonath. Platt—*Westchester*.

Major Webster—*Charlotte*.

Mr. Wisner, Junr. Major Parks—*Ulster*.

Mr. Wisner, Colo. Allison, Mr. Jos. Smith—*Orange*.

Mr. Sessions, Mr. Stevens—*Cumberland*.

Egbert Dumond, Esquire, of Kingston in Ulster county, delivered to the Committee a letter from General Schuyler, directed to the President, and which General Schuyler desired to be sent by express. He also produced to this Committee a letter from General Schuyler to the committee of Ulster county, requesting their militia to march to Albany immediately; also an extract of intelligence received from Lake Champlain.

Mr. Dumond says that he was desired by their committee to bring General Schuyler's letter to the President; but there appeared reason to believe that the committee of Ulster desired to have the sentiments of the Committee, whether they should supply the detachments from their militia for the garrisons in the Highlands.

Thereupon, the Committee of Safety made the following determination, to wit:

The Committee of Safety having taken into consideration General Schuyler's letter of the 9th instant, to the committee of Ulster, and by them transmitted to this Committee. Thereupon,

Resolved, That the levies directed by the Convention to be raised in that county to reinforce the garrisons in the Highlands, be immediately completed, and the more so, as General Washington concurs with the Convention in thinking those levies highly necessary for the defence of those important posts.

And it is the opinion of this Committee that the remainder of the militia of Ulster ought to comply with such requisitions and directions as they have or may receive from General Schuyler.

WHEREAS the public accounts of this State to be laid before the Continental Treasury Board, to be audited and passed, are in a great measure delayed for want of the accounts of the expenditure of the public moneys which have passed through the hands of Egbert Dumond, Esqr.:

Ordered, That Egbert Dumond, Esqr. render accounts to the Treasurer or to the Auditor-General, of all the public moneys which have been put into his hands by the Representatives of this State, with all possible despatch.

Ordered, That one of the Secretaries deliver to Egbert Dumond, Esqr. a copy of the above order, and the preamble thereof.

A letter from Major-Genl. Schuyler, dated at Albany on the 9th instant, was read as follows, vizt:

"*Albany, Septr. 9th*, 1776.

"GENTLEMEN—In consequence of information received from Colo. Dayton, on Friday last, that a body of the enemy were to be at Oswego on the 4th instant, and that another body were actually on their march to the Mohawk river, I have requested the committee of this county to order up the militia, and they are now convening here.

"At half past ten this morning I received a letter from General Gates, dated the 6th instant, at Tyconderoga, in which he gives me the following extract of a letter from Lieut. Colo. Hartley to him, dated from Crown Point at two o'clock on Friday.

"'There has been a very heavy cannonade down the lake all this morning; it is undoubtedly between our fleet and the enemy, so that you may prepare accordingly, I have sent down a boat just now to know more particularly.'

"This intelligence has induced me to call upon the neighbouring counties in the New-England States, and those of Ulster and Dutchess in this, to march their militia up.

"Future accounts from General Gates or Colo. Dayton must determine which way I am to march the militia—whether to Tyconderoga or to the westward. Our army is in the greatest distress for medicines, and this in common with all the other misfortunes that have attended our northern operations, is imputed to me. I am happy that I have it in my power not only to exculpate myself on the

most minute and critical inquiry, but that I can point out the source of most of our disasters in this department. Your respectable body will not be displeased at this declaration, since you have more immediate cause to wish that I may have discharged my duty with propriety, as by your recommendation I was appointed to a command which, notwithstanding your favourable opinion of me, I know I was incompetent to, and therefore reluctantly accepted the arduous task.

"Envy, detraction, and the most unbecoming jealousy have followed me from the beginning. I hope I have properly resented every calumny where I could fix it on individuals. To exculpate myself from the general clamour, I have entreated Congress to make the strictest inquiry into my conduct, that if I am culpable I may meet with the detestation of my fellow citizens—if not, and that others are, that the public resentment may be transferred to the proper object. I have even ventured to declare that 'I do not believe I shall be even convicted of an error in judgment.' As twenty-four days are already elapsed since I requested an inquiry, and have not been honoured with any answer; and as the calumny against me increases with rapidity, I have by this conveyance advised Congress and General Washington of my intention to resign as soon as I return from Tryon county or Tyconderoga, and that I will in some other way strive to evince my affection for my country, and my zeal in its cause. I hope this step will meet your approbation, and although I am not at present at liberty to lay before you such proofs as I trust will clearly and fully acquit me of any impropriety of conduct, yet it may hereafter be my duty to do it, as well for my own justification as for that of the Provincial Congress, who wrote so partially in my favour to the Continental Congress.

"I am, gentlemen, with the greatest respect and esteem,
"Your most obedient humble servant,
"PH. SCHUYLER.

"The Honourable the Congress of the State of New-York."

Ordered, That Mr. Cuyler, Mr. Duane, Mr. Wm. Harper, Mr. Robert Yates and Mr. Sessions be a committee to consider of the said letter from General Schuyler, and report thereon with all convenient speed.

WHEREAS the Convention of the Representatives of this State did, on the seventh instant, order a draft of a commission to be prepared for the field officers of the detachments of the militia of Ulster, Orange, Dutches and Albany, to reinforce the garrisons of the fortifications in the Highlands, which draft of a commission has remained several days, but there has not since been a representation of this State in Convention to approve of the same: AND WHEREAS it is necessary for the despatch of those detachments that a commission issue to Johannes Snider, Esqr. the colonel appointed by Convention to command the same; and the said draft of a commission and an engrossed copy thereof, has been read and approved by this Committee: Therefore from the necessity of the case,

Ordered, That the President sign, and that one of the Secretaries attest, the said engrossed copy of a commission for Colo. Snider, and that it be forwarded to him by Egbert Dumond, Esqr. which was done accordingly.

WHEREAS the time limited for the absence of Robert R. Livingston and William Duer, Esquires, from the Convention of this State, hath expired, and neither of them hath returned;

Resolved, That Sampson Dyckman, the messenger, be directed to summon those gentlemen to return immediately to the House, and that they pay a reasonable compensation to the messenger for his trouble and expenses.

Resolved further, That the said messenger summon all the absent members who may reside, or be between this place and the north bounds of the Manor of Livingston, to attend immediately, (except Gilbert Livingston.)

Ordered, That Mr. Robert Harper prepare a draft of a letter to General Geo. Clinton, requesting him to inform the Convention of the state of the chevaux-de-frise, and other obstructions to the navigation of Hudson's river, opposite to Fort Washington.

Ordered, That Colo. Peter R. Livingston have leave of absence, to depart on Saturday and return on Tuesday.

Ordered, That the President send letters to such absent members as are not otherwise on duty, desiring their immediate attendance.

A letter from Colo. Swartwout, of General Clinton's brigade, dated the 10th instant, was read. He therein mentions that Lieut. Colo. Ferris, of his regiment, on account of his indisposition had obtained leave from their brigadier-general to return to his family; that he will not probably be fit for service this campaign; and he recommends a promotion of the present officers now in service. Colo. Swartwout also claims the first rank in the brigade to his regiment.

A long letter from Brigadier-Genl. George Clinton, dated the 8th instant, was also read. Amongst other things he mentions the frequent desertions from his brigade, and encloses a return of the brigade. Whereby it appears that 596 men are deficient; that the deficiency arises from the different militia regiments not having furnished their quotas, and from desertions. He encloses therein a list of Dutches county deserters. A petition of complaint against William Foreman, the surgeon of Colo. Graham's regiment. The testimony of some witnesses against William Mahany and Gilbert Tippet, by him confined for practices and declarations inimical to American liberty.

Ordered, That General Ten Broeck, Mr. Zeph. Platt, Doctor Crane, Colo. Allison and Mr. Wisner, Junr. be a committee to consider of, and report on, the letters of General George Clinton and Colo. Swartwout, and the papers attending the same; and that the said committee do also report a resolution to prevent harbouring deserters.

The Convention of this State and the Committee of Safety of the State, in the recess of the Convention, having frequent occasion for guards to apprehend dangerous and disaffected persons,

Resolved, That Melancton Smith, Esqr. captain-commandant of three companies raised in the counties of Dutches and Westchester, cause a detachment of a sergeant and twelve men to attend this Committee without delay.

Colo. Drake has leave of absence, to return on Tuesday evening next.

Ordered, That Major Schenk be requested and authorized to cause to be apprehended and brought before this Committee, a certain Riley, suspected of being a deserter from the army of the United American States, and that Major Schenk use his discretion as to the mode of apprehending him, with power to demand the assistance of any officer of the militia, or other person or persons in the execution hereof.

Mr. Jay informed the Committee that he can employ Abm. De Peyster, to assist in bringing up the records of the Convention of this State, and desired to know whether the Committee will authorize him to apply to the said Abraham De Peyster on that subject.

Agreed, That Mr. Jay have leave to apply to converse with Abraham De Peyster on this subject, and report the result or terms proposed to this Committee.

DIE VENERIS, 9 HO. A. M.

Septr. 13th, 1776.

The Committee met pursuant to adjournment.

Mr. Bancker, Mr. Robt. Harper, Mr. Duane*—*New-York.*
Doctor Crane—*Dutches.*
Mr. Webster*—*Charlotte.*
Mr. Ab. Yates,* Genl. Ten Broeck, Mr. Jno. Ten Broeck, Colo. P. R. Livingston, Mr. Adgate,* Mr. Cuyler—*Albany.*

Mr. Sessions and Mr. Stevens—*Cumberland.*
Mr. Wm. Smith—*Suffolk.*
Mr. Haviland, Mr. Jonath. Platt, Colo. Van Cortlandt*—*Westchester.*
Major Park, Mr. Wisner, Junr.—*Ulster.*
Mr. Wisner, Colo. Allison, Mr. Jos. Smith—*Orange.*
Mr. Moore, Mr. Wm. Harper, Mr. Veder—*Tryon.*

Those gentlemen whose names are marked with asterisks, are a quorum of the Committee of Safety.

Ordered, That Colo. Livingston have leave of absence till to-morrow week, the order of yesterday notwithstanding.

The Committee are informed that the services and attendance of Matthew Visscher, Esqr. as clerk to the secretary to the committee in the city and county of Albany, are absolutely necessary. Therefore,

Resolved, That the said Matthew Visscher, Esqr. be exempted from all military duty during his continuance in the exercise of the said office.

A letter from Mr. Ebenezer Hazard, dated yesterday, was read and filed.

He says he cannot see any reason why the Albany post should not continue to ride on the east side of Hudson's river as far as Fishkill; though "the Comptroller desires his route may not be altered until there is an absolute necessity, or order from the Postmaster-General." In a postscript to his letter he mentions that some postage is due to him, and requests an order for payment.

Ordered, That Mr. McKesson, one of the Secretaries of the Convention of this State, pay the postage due to Mr. Hazard, and charge the same to this State.

A letter from General George Clinton, dated at King's Bridge the 12th instant, and directed to Mr. McKesson, was read. He therein gives information of the state of the army near him and of the enemy. And from the intelligence therein contained, there is reason to believe that Samuel Gale and Isaac Ludlum, of Orange county, have a correspondence with persons inimical now on Nassau island.

This Committee being informed that Samuel Gale and Isaac Ludlum, of Orange county, are concerned in a dangerous correspondence with the enemy,

Resolved, That Colo. Allison immediately repair to Orange county and take such methods as he may think proper to have the said Samuel Gale and Isaac Ludlum immediately apprehended, together with all papers on the subject of the present troubles or relative thereto; and cause them, with the said papers, to be forthwith brought before this Committee or the Convention of this State; and for that purpose that he be authorized to search the houses and all such other places belonging to them as he may judge necessary.

The Committee were informed of sundry speeches and declarations of Jacob Peets, Johannes Snider, Andries Hart and John Archibald, of Ulster county, whereby it appears to this Committee that they are dangerous persons, inimical to the cause of American liberty.

Resolved and Ordered, That the committee of Hanover precinct, in that county, be and hereby are directed to have those persons apprehended, examined and secured; and that they report their proceedings to the county committee of that county.

"The sub-committee to whom was referred the letter from Major-General Schuyler, of the 9th inst. and the letters from Comfort Sands and Thomas Grant, have, according to order, taken the same into consideration; and first, that part of the General's letter communicating information that a body of the enemy were expected at Oswego on the 4th instant, and another body actually on their march to the Mohawk river, and that there had been a very heavy cannonade down Lake Champlain on the morning of the 6th instant between our fleet and that of the enemy; that in consequence of this intelligence he had ordered up the militia of the counties of Albany, Ulster and Dutchess, to be employed to the northward and westward as might from future accounts become necessary. Upon which your committee observe that the following drafts have already been made and directed to be made from the militia of Dutchess and Ulster counties, (to wit:)

"In pursuance of a resolution of the Provincial Congress, of the 7th of June last, from Dutchess, embodied in Brigadier-General Scott's brigade, posted near the city of New-York, 335 men; from Ulster for the same service, 300 men; a further draft, agreeable to a resolution of the Convention of this State, of the 19th of July last, of one-fourth of the remaining militia of each of the said counties, which form a part of Brigadier-General Clinton's brigade, and are stationed at or near King's Bridge; and a third draft, directed by the Convention on the 7th instant, of 175 men from Dutchess and 200 from Ulster, to reinforce the garrisons of forts Montgomery and Constitution in the Highlands.

"That when the last mentioned drafts shall be completed, it is supposed that dependence cannot be made on more than 700 armed and well affected militia in the county of Dutchess, or more than 1,000 in the county of Ulster. That the fortresses in the Highlands (which are of the utmost consequence to the common cause of America) will, even after receiving such reinforcement, be far from a state of security. That in case of an attack on those fortresses, or any sudden irruption of our open, or insurrection of our concealed enemies, no relief can at present be expected from the armies or militia to the southward or northward.

"From these circumstances, and considering further, that many of the militia of the county of Dutchess are disaffected, your sub-committed are of opinion that no more of the militia can, with any regard to the common safety, be spared from the counties of Dutchess and Ulster; having, however, the highest confidence in General Schuyler's judgment and zeal for the common cause, we cannot advise that his order for the march of the militia of the said counties should be superseded by act of the Committee of Safety, but rather that a member be immediately despatched to confer with the General, that fully apprized of the reasons which influence the opinion of this sub-committee, he may be satisfied of the danger of drawing all the militia from those counties, and give such directions as shall appear to him most salutary in this difficult and arduous conjuncture.

"Your sub-committee are further of opinion, that General Schuyler be informed with respect to the subject matter of the two last mentioned letters, that there are a quantity of medicines at Poughkeepsie, in the hands of Gerardus Duycking and Doctor Tappen, and a farther quantity at New-Rochelle, in the hands of Comfort Sands, the original costs of which last appear to be £340 sterling, such part of which as shall, in the judgment of the director of the hospital, or his agent, be found servicable, may be purchased for the use of the Continental army, the Convention having directed them to be reserved for that purpose, and that the letter from Mr. Sands and Mr. Grant, and the invoice, enclosed in the letter, be transmitted to the General for his better information.

"The sub-committee are further of opinion, that the remaining part of the General's letter, which more immediately relates to himself, be referred to the consideration of the Convention at their first meeting."

The said report being read, and again read by paragraphs and amended,

Resolved, That this Committee does agree with their sub-committee in their said report: And

Resolved, That Jacob Cuyler, Esquire, be the member to wait upon General Schuyler, for the purposes mentioned in the aforegoing report.

Ordered, That a letter be written by the President to

General Geo. Clinton, requesting him to cause the medicines and hospital stores which were lately left at the house of Aaron Bussing, near the church in Haerlem, to be removed to some place of safety near his encampment, or where he may think them most safe from the enemy.

A draft of a letter to Genl. George Clinton, respecting the obstructions to the navigation of Hudson's river, was read and approved, and is in the words following, viz:

"SIR—Being informed by a member of the Convention, that some of the chevaux-de-frise intended to be effectually sunk in Hudson's river, were a few days ago floating with the tide, I am directed to request the favour of you to inform me what probability there is of the permanence of those machines, their distance, and whether you conceive the navigation of the enemy's fleet is thereby obstructed.

"If you have any thing else to communicate on this subject, whereby defects may be repaired, and the plan more effectually executed, it will be of important service to the State.

"I am, sir, &c.

"To Genl. GEO. CLINTON."

Ordered, That a copy of the said letter be engrossed, and signed by the President, and transmitted.

Certain resolutions to prevent a correspondence with the enemy, by preventing persons from travelling in this State from one county to another without a pass, were proposed and read.

Debates arose thereon, and they were committed to Mr. Jay to report thereon.

DIE VENERIS, 4 *ho. P. M. Sept.* 13*th*, 1776.

This Committee met pursuant to adjournment.

PRESENT—Abraham Yates, Junr. Esqr. *President.*

Mr. Bancker, Mr. Robt. Harper,* Mr. Duane—*New-York.*

Mr. Ab. Yates,* Genl. Ten Broeck, Mr. John Ten Broeck—*Albany.*

Mr. Wm. Smith*—*Suffolk.*

Major Park, Mr. Wisner, Junr.—*Ulster.*

Only three members of the quorum of the Committee of Safety attending, viz. those gentlemen whose names are marked with asterisks, the Committee could not proceed to business for want of a sufficient quorum, and therefore adjourned till to-morrow morning, at 9 o'clock.

JOURNAL

OF THE

PROVINCIAL CONVENTION.

DIE SABBATI, 9 HO. A. M.

Septr. 14*th*, 1776.

The Convention met pursuant to adjournment.

Present—ABRAHAM YATES, Junr. Esqr.

Mr. BANCKER, MR. ROBT. HARPER, Mr. DUANE—*New-York.*

Doctr. CRANE, Mr. SACKETT, Major SCHENK, Capt. ZEPH. PLATT, Mr. R. R. LIVINGSTON—*Dutchess.*

Mr. AB. YATES, Genl. TEN BROECK, Mr. JOHN TEN BROECK, Mr. ADGATE, Mr. ROBT. YATES—*Albany.*

Mr. HARPER, Mr. MOORE, Mr. VEDER—*Tryon.*

Mr. WM. SMITH—*Suffolk.*

Mr. HAVILAND, Mr. JONATH. PLATT, Mr. ZEB. MILLS—*Westchester.*

Major WEBSTER, Mr. DUER—*Charlotte.*

Mr. WISNER, Junr. Major PARKS—*Ulster.*

Mr. WISNER, Mr. JOS. SMITH——*Orange.*

Mr. STEVENS, Mr. SESSIONS—*Cumberland.*

The information and representation of Lieut. Colonel Benjamin Birdsall, and also the representation of Lieut. Thos. Williams, of Capt. Nostrandt's company, as to the state of Colo. Smith's regiment, raised on Nassau island, each dated the sixth instant, were respectively read.

Ordered, That they be deferred for consideration until the state of Nassau island is taken into consideration, or further information can be obtained.

Henry Wisner, Esqr. informed the Committee that a large quantity of saltpetre, in the hands of several persons, is ready to be purchased, and requested an order on the Treasury for two hundred pounds.

Ordered, That the Treasurer of this State pay to Henry Wisner, Esqr. the sum of two hundred pounds, to purchase saltpetre; that the Treasurer take a receipt for the same; and that Mr. Wisner hereafter render an account to the Convention of the expenditure of that money.

Mr. Joseph Smith has leave of absence for three days, this day included, then to return or send a member from that county in his place.

N. B. Robert R. Livingston, Esqr. and William Duer, Esqr. attended, whereby there is a representation of this State in Convention. The names of those gentlemen are added to the members of their respective counties, and the Convention proceeded to business.

WHEREAS the present critical situation of this State, and the important objects the Convention have in view, render it necessary that the good people of this State should be fully and constantly represented in this Convention.

Resolved, therefore, That all the members of this Convention do forthwith and at all times during the session thereof, regularly give their attendance at it, except such of the members as now are, or hereafter may be absent by order of the Convention.

Ordered, That copies of the aforegoing resolutions be immediately transmitted to the committees of all the counties in this State, except those of Richmond, Kings, Queens, Suffolk, and the city and county of New-York, and to all the members of those five counties who may not be in the power of the enemy.

Ordered, That the committee appointed to report a form of government, do report with all convenient speed.

Mr. Jay, according to order, reported the draft of certain resolutions for granting passes to travellers and licenses to innkeepers. The same were read, and adjourned for farther consideration.

Mr. Joshua H. Smith obtained leave of absence till Monday next.

Ordered, That Sa. Dyckman, the messenger, be directed to serve and deliver copies of the above resolution requiring the regular attendance of the members of this Convention.

Mr. Jay reported a set of resolutions to prevent persons travelling without passes, which were read.

DIE SABBATI, 4 *ho. P. M. Sept.* 14*th*, 1776.

The Convention met pursuant to adjournment.

PRESENT—Abraham Yates, Junr. Esquire, *President.*

Mr. Bancker, Mr. Rob. Harper, Mr. Duane, Mr. Jay—*New-York.*

Mr. Sackett, Major Schenk, Capt. Zeph. Platt, Doctr. Crane, Rob. R. Livingston—*Dutchess.*

Mr. Ab. Yates, Genl. Ten Broeck, Mr. Robt. Yates, Mr. Adgate, John Ten Broeck—*Albany.*

Mr. Moore, Mr. Wm. Harper, Mr. Veder—*Tryon.*

Mr. Wm. Smith—*Suffolk.*

Mr. Mills, Mr. Jonath. Platt, Mr. Haviland—*Westchester.*

Mr. Duer, Major Webster—*Charlotte.*

Mr. Wisner, Junr. Major Parks—*Ulster.*
Mr. Wisner—*Orange.*
Mr. Stevens, Mr. Sessions—*Cumberland.*

Henry Wisner, Esqr. of Orange county, obtained leave of absence, to return on Monday next.

On motion, or request, of Mr. Jay, the letter from Brigadier-General Scott, dated the sixth instant, and read in the Committee of Safety the ninth instant, was read and committed to Mr. Robert Yates, Mr. Jay and Mr. Duer.

Mr. Duer produced a draft of certain resolutions to encourage persons upwards of fifty years, in the respective districts in this State, to form themselves into military companies for the defence of their liberties, lives and properties.

The same being read and moved for, and seconded, debates arose thereon. After some time spent therein, they were committed to Doctor Crane, Mr. Robert R. Livingston and Mr. Duer, to reconsider the same and report thereon.

A short letter from General George Clinton, dated at King's Bridge the 13th instant was read.

He therein informs that he had examined the bearers, William Tredwell and Benj. Ludlum, and sent their examinations to General Washington, and had sent the bearers to this Convention for further examination.

A short letter of the said Tredwell and Ludlum to General Washington and which was handed over to General Clinton and enclosed, was also read.

Ordered, That Mr. Duane and Mr. Robert Yates be a committee to examine the said William Tredwell and Benjamin Ludlum. And

Ordered, That as soon as their examinations are taken by the said committee, they be taken into custody of Lieutenant Robert Brett, or such guard of the militia as he may appoint for that purpose, and detained in custody until further order of this Convention.

Mr. Sackett informed the Convention that five or six soldiers from Philips' precinct, in Dutchess county, are unarmed at the forts in the Highlands, and that the committee of that precinct requests an order to purchase arms for them at the public expense, on an engagement of the committee that the said arms be restored to the State.

Ordered, That the sub-committee of Philipse's precinct be, and hereby are, empowered to purchase five or six arms for the use of the said soldiers, the said arms to be paid for by this State, and the said sub-committee to be accountable so far for the said arms as to see that they are restored to the State, by being delivered to a Commissary of military stores of this State, only that the State may not lose those arms.

Ordered, That the Secretary write a letter to the Auditor-General of this State, and request his attendance on this Convention, and that he therein inform the Auditor-General that the reason of requesting his attendance is to point out the persons, or their particular accounts, wanting which prevent stating the accounts of this State with the United States.

A letter received this afternoon from His Excellency General Washington, dated the 12th inst. was read, and follows, vizt:

"HEAD-QRS. NEW-YORK,
"*Sept. 12th*, 1776.

"SIR—I yesterday received the favour of your letter of the 9th, with its several enclosures, and am extremely happy that your Honourable Body had anticipated my recommendation by resolving on an augmentation of six hundred men to the garrisons in the Highlands. The importance of those posts demands the utmost attention, and every exertion to maintain them.

"The vessels for the removal of the sick are not yet arrived. Their present situation gives me great anxiety. As the wind is now favourable, I would fain hope that a sufficient number will come down to day to take in the whole. If they do not my distress will be much increased.

"Genl. Clinton, in a letter of the 8th, transmitted me a list of artillery and ordnance stores wanted at forts Montgomery and Constitution, which included the several articles you have determined to procure, except those mentioned below.

"I directed that they should be sent up, but as the situation of our affairs at this time may not perhaps admit of it, and think it will be prudent for Mr. Schenk, whom you have appointed an agent in this instance, to get all he can. Should he be able to obtain the supply you have voted necessary, and Genl. Clinton's demand be complied with also, no damage will be done. Our stores will not be too large.

"I have the honour to be.
"With great respect, sir,
"Your most obedt. servt.
"GO. WASHINGTON.

"Intrenching tools, iron carriages, cannon harness, armourer with his tools."

DIE SOLIS, 10 HO. A. M.
September 15th, 1776.

The following members met pursuant to adjournment.

PRESENT—Abraham Yates, Junr. Esqr. *President.*
Mr. Robt. Harper, Mr. Bancker, Mr. Duane—*New-York.*
Mr. Sackett, Mr. H. Schenk, Mr. R. R. Livingston—*Dutches.*
Mr. Ab. Yates, Genl. Ten Broeck, Mr. Robt. Yates, Mr. Adgate, Mr. John Ten Broeck—*Albany.*
Major Webster, Mr. Duer—*Charlotte.*
Mr. Wm. Smith—*Suffolk.*
Mr. Mills—*Westchester.*
Mr. Stevens—*Cumberland.*
Mr. Wisner, Junr.—*Ulster.*
Mr. Moore, Mr. Harper, Mr. Veder—*Tryon.*

MONDAY MORNING.
September 16th, 1776.

The Convention met pursuant to adjournment.

PRESENT—Abm. Yates, Junr. Esqr. *Presidt.*
Mr. Duane, Mr. Harpur, Mr. Bancker, Mr. Jay—*For New-York.*
Mr. R. R. Livingston, Mr. Schenk, Capt. Platt—*Dutches.*
Mr. Abm. Yates, Genl. Ten Broeck, Mr. Ten Broeck, Mr. Robt. Yates, Mr. Adgate—*For Albany.*
Mr. Duer, Mr. Webster—*For Charlotte.*
Mr. Wm. Smith—*For Suffolk.*
Mr. Haviland, Mr. Mills, Mr. Platt—*For Westchester.*
Mr. Wisner, Junr.—*For Ulster.*
Mr. Moore, Mr. Harper, Mr. Veder—*For Tryon.*
Mr. Sessions, Mr. Stevens—*For Cumberland.*

No other members appeared; for want of a sufficient number of members to represent the State, the members adjourned to four o'clock, P. M.

DIE LUNÆ, 4 *ho. P. M. Sept. 16th*, 1776.

The members of Convention met pursuant to adjournment.

PRESENT—Abraham Yates, Junr. Esqr. *President.*
Mr. Robt. Harper, Mr. Duane, Mr. Bancker, Mr. Jay—*New-York.*
Mr. Mills, Mr. Jonath. Platt, Mr. Haviland—*Westchester.*
Mr. Wisner, Colo. Allison—*Orange.*
Mr. Ab. Yates, Genl. Ten Broeck, Mr. John Ten Broeck, Mr. Adgate—*Albany.*
Mr. Moore, Mr. Veder—*Tryon.*
Mr. Hobart, Mr. Wm. Smith—*Suffolk.*
Mr. Wisner, Junr. Major Parks—*Ulster.*
Major Webster, Mr. Duer—*Charlotte.*
Capt. Zeph. Platt, Doctr. Crane, Mr. Sackett, Mr. H. Schenk, Mr. R. R. Livingston—*Dutches.*
Mr. Stevens, Mr. Sessions—*Cumberland.*

The Convention was informed that the militia of Westchester county are not so properly arranged and managed

as they ought to be at this critical juncture, which is occasioned by the absence of General Morris: Therefore,

Resolved, That General Morris, now at the General Congress, do immediately return and resume the command of his brigade.

Ordered, That the President enclose a copy of the aforegoing resolution in a letter to Genl. Morris, and transmit the same to Genl. Morris with the utmost despatch.

Ordered, That Mr. Duane and Mr. Robert Yates be a committee to examine Samuel Gale, who has been brought here in custody by order of the Committee of Safety.

Ordered, That Mr. Hobart, Mr. R. R. Livingston and Mr. Duer, be a committee to report what further measures are necessary to bring Abraham Lott, Esqr. to account to this Convention for the public moneys now in his hands, as Treasurer of the Colony of New-York.

Whereas Ezra L'hommedieu, Esqr. loan officer of the county of Suffolk, did some time since deposite into the treasury of this Convention the sum of four hundred and twenty pounds, which he had received of sundry persons for principal and interest due on the several sums by them respectively borrowed of him as loan officer as aforesaid:

Resolved, That the Treasurer of this State do immediately pay to Egbt. Benson, Esqr. chairman of the committee of Dutchess county, the above sum of four hundred and twenty pounds, and that the receipt of the said Egbert Benson shall be a sufficient discharge to the Treasurer for the payment of the same.

Ordered, That Egbert Benson apply the said sum of money to the payment of the wages and subsistence due to the companies under the command of Captain Melancton Smith.

TUESDAY MORNING,

Septr. 17th, 1776.

The Convention met pursuant to adjournment.

Present—Abraham Yates, Junr. Esqr. *Presidt.*

Mr. Bancker, Mr. Duane, Mr. Jay, Mr. Harper—*For New-York.*

Dr. Crane, Mr. R. R. Livingston, Mr. Sacket—*For Dutches.*

Mr. Abm. Yates, Genl. Ten Broeck, Mr. Robt. Yates, Mr. Ten Broeck, Mr. Adgate—*For Albany.*

Colo. Allison, Mr. Smith, Dr. Sherwood, Mr. Wisner—*For Orange.*

Mr. Smith, Mr. Hobart—*For Suffolk.*

Mr. Mills, Mr. Haviland, Mr. Platt—*For Westchester.*

Mr. Duer, Mr. Webster—*For Charlotte.*

Mr. Wisner, Junr. Major Parks—*For Ulster.*

Mr. Moore, Mr. Harper, Mr. Veder—*For Tryon.*

Mr. Sessions, Mr. Stevens—*For Cumberland.*

Resolved, That Colo. Allison, Mr. R. R. Livingston and Mr. Wisner, Senr. be and are hereby appointed a committee of correspondence. That they be and hereby are authorized to establish post riders between the Fish Kill, where this Convention now statedly sits, and Head-Quarters, for the purpose of obtaining daily intelligence, and that this Convention will make provision for defraying the expense thereof; and that the said committee be and are hereby empowered to write letters to any correspondents, and take every other proper means to obtain intelligence.

Sundry affidavits taken by Robert Erskine, Esqr. relative to the conduct of persons disaffected to the American cause, were read and deferred to consideration and explanation until the members from the country were present.

The petition of Henry Chase, dated at the White Plains on the 13th instant, praying to be released from imprisonment, was read.

The several petitions of Jonathan Purdy, Junr. Rynier Van Housen and John Fowler, were read.

The said Jonathan Purdy, Junr. thereby declares he is an enlisted soldier in the British army; and the said Rynier Van Housen, that he is a registered pilot in the British navy, and they pray to be admitted to their parols as prisoners of war. And the said John Fowler sets forth the manner in which he formerly came on board of one of the British ships of war.

A letter from Colo. Malcom, dated the sixth instant, directed to Mr. McKesson, giving some information respecting Captain Stewart's company in his regiment was read.

Ordered, That Mr. Hobart, Mr. Robert Yates and Mr. Mills be a committee to take, consider of and report on the said affidavits, petitions and letter, and that they bring in reports with all convenient speed.

That part of General Geo. Clinton's letter of the 8th of Septr. which relates to Lieut. Colo. Ferris, was read.

Colo. Swartwout's letter of the 10th of Septr. instant, respecting Colo. Ferris's ill state of health, and the appointment of a lieutenant-colonel and major for that regiment, was also read.

Resolved, That Lieutenant-Colo. Ferris be permitted to decline the present service; that Major Thompson be appointed lieutenant-colonel, and Captain Mott appointed major of Colo. Swartwout's present regiment of militia now in service in Brigadier-Genl. Geo. Clinton's brigade while in the present service, in addition to their former respective commands in the militia in their respective counties.

Ordered, That the Secretary despatch the commissions for Lieut. Colo. Thompson and Major Mott.

Resolved, That the eldest first lieutenant of Colo. Swartwout's [regiment] be promoted to be captain, *vice* Major Mott, and that the other officers rise in succession; and that the Secretaries send as many blank commissions to Genl. Geo. Clinton as there are officers in that regiment.

The Convention were informed that a person late one of the lighthorsemen of King scounty, and a lieutenant of Colo. Smith's regiment, are about Poughkeepsie in some distress, and that pay is due to them; that sundry of the lighthorsemen fled from the island and have left their horses behind them.

Ordered, That Mr. Duane, Mr. Duer, Mr. Schenk and Doctor Crane be a committee to enquire into the situation of the lighthorsemen who were obliged to fly from the said island and Lieutenant Onderdonck, and that they report thereon.

Mr. Wisner of Orange county proposed to the Convention that the company of militia from Orange county lately ordered to be detached to augment the garrisons of forts Montgomery and Constitution, be permitted to have that duty performed by different companies or parcels of militia in rotation.

Ordered, That Mr. Wisner, General Ten Broeck, Mr. Sackett and Major Schenck be a committee to consider of the said proposal, and report thereon with all convenient speed.

The committee appointed to consider what farther measures are necessary to bring Abraham Lott, Esqr. to account to this Convention for the public moneys now in his hands as Treasurer of the Colony of New-York, delivered in their report, which was read, amended, resolved on and agreed to in the words following, to wit:

Whereas the late Provincial Congress of this State did, on the ninth day of March last, enter into a resolution in the words following, to wit:

"Whereas the public exigencies of the Colony are so great as to require that all the public revenues of the same should be appropriated to defray its expenses:" And whereas the General Assembly of the Colony have by their prorogation made on the day appointed for their meeting, been prevented from proceeding to the despatch of the ordinary business thereof, it therefore becomes necessary for the Representatives of the people in Provincial Congress to attend to the proper application of the public moneys now in the hands of the said Abraham Lott, Esqr.

"*Resolved and Ordered*, therefore, That the said Abraham Lott be directed, and he is hereby directed within thirty days from this day, to lay before this Congress, or the

Committee of Safety, on oath, an account of all the moneys that now are or shall be in his hands, as Treasurer of this Colony, particularly stating to what funds they belong, and whether any and what funds are appropriated to any and what uses, and every other matter which shall be necessary to constitute a complete state of the treasury of this Colony." A copy of which was left by the Secretary of this Convention, at the usual place of residence of the said Abraham Lott, Esqr. in the city of New-York. AND WHEREAS, The said Abraham Lott hath neglected to comply with the tenor of the said resolution: therefore,

Ordered peremptorily, That the said Abraham Lott, do forthwith attend this House on pain of contempt, and that he bring with him the books, papers and money belonging to the treasury, in order that the public accounts of the Colony of New-York may be settled, and the balance paid to the present Treasurer of this State.

Ordered, That a copy of the aforegoing resolution and order be served on Abraham Lott, Esquire, by Mr. John Campbell, who is hereby directed to require an answer in writing for the justification of his conduct.

Resolved, That if Abraham Lott, Esquire, shall refuse to attend this Convention, or neglect to set out within five days after the receipt of the above order, and pursue his journey with all reasonable despatch, that he be then apprehended and sent under guard to this Convention at Fishkills, in Dutches county, and Mr. John Campbell is hereby required and empowered to apply to any committee in the States of New-Jersey or New-York, in order that he may obtain assistance for carrying the aforegoing resolution and order into execution, and that Mr. Campbell be furnished with a copy of all the above resolutions.

On motion, the following resolutions were agreed to, viz:

WHEREAS, since the dissolution of the late Government under the Crown of Great Britain, it is inconsistent with sound policy, that any of the public moneys should be paid into the hands of any officers not duly authorized by the Convention of this State to receive the same: AND WHEREAS, it is the duty of the Representatives of the people to secure the public revenues for the purposes of defending the lives, liberties and property of the good people of this invaded State. Therefore,

Resolved unanimously, That Abraham Lott, Esqr. as Treasurer of the Colony of New-York, cease to demand or receive any moneys belonging to the same, and that the said moneys be only paid to Peter V. B. Livingston, Esqr. the Treasurer of this State, who is hereby authorized and directed to receive the same, and all persons owing money to this State, are hereby ordered to account with Peter V. B. Livingston, and to make payment with all possible expedition.

Resolved and Ordered, That the loan officers in the different counties in this State, do forthwith pay into the hands of the present Treasurer, all such sums of money as they have at present in hands, or hereafter may receive either on account of the principal sums lent or for the interest due on such sums; and that the receipt of the Treasurer of this State shall be considered by the supervisors of the different counties as a voucher for the money so paid, in as full and ample a manner as if the same had been paid to Abraham Lott, Esqr. late Treasurer of the Colony of New-York.

Resolved, That all the loan officers in all the counties in this State be impowered to act in that capacity till further orders from this Convention, or a future Legislature of this State.

Ordered, That the Secretaries do immediately transmit copies of these resolves to Abraham Lott, Esqr. and to the loan officers in the different counties of this State, and that the same be published four weeks successively, in all the public newspapers of this State.

Information was given to the Convention by some of the members from the counties of Orange and Ulster, that there is great reason to apprehend that there are many dangerous persons in those counties. That from several pieces of testimony given to the different committees in those counties, it is probable that persons there have been enlisting or endeavouring to enlist men to join the enemy.

Ordered, That the members of this Convention from the counties of Orange and Ulster, be a committee to enquire into the grounds of the apprehensions, and the particulars of all such testimony as they can collect on that subject, and to report the measures necessary to be taken to prevent such disaffected persons in those counties from joining or aiding the enemy.

The Deputy Treasurer delivered in a list of the accounts or sums of public moneys, which have at different times been paid out of the Treasury by order of the Representatives of this State, and which remain unaccounted for, whereby the public accounts of this State against the Continent remain unsettled, and are prevented from being transmitted to be audited and paid. The same being read,

Ordered, That Mr. Duane, Mr. Bancker and Mr. Moore, be a committee to take the same into consideration, and report thereon.

A letter from Joseph Trumbull, Esqr. Commissary-General, dated the 16th instant, was received by a messenger and read. He therein mentions that the American army had evacuated New-York, that in the retreat he had left behind him large quantities of flour which reduced the magazine too low, and requests the aid of this Convention to procure flour.

Agreed unanimously, That Major Henry Schenk, Colo. Charles D. Witt and Dirck Wynkoop, Esqrs. be appointed agents for and on behalf of the Commissary-General, and that a draft of resolutions for that purpose be prepared and brought in, in the afternoon.

DIE MARTIS, 4 *ho. P. M. Septr.* 17*th*, 1776.

The Convention met pursuant to adjournment.

PRESENT—Abraham Yates, Junr. Esqr. *President.*

Mr. Jay, Mr. Bancker, Mr. Rob. Harper, Mr. Duane—*New-York.*

Mr. Wisner, Junr. Major Parks—*Ulster.*

Mr. Wm. Harper, Mr. Moore, Mr. Veder—*Tryon.*

Mr. Ab. Yates, Genl. Ten Broeck, Mr. Robt. Yates, Mr. Jno. Ten Broeck, Mr. Adgate,—*For Albany.*

Doctr. Crane, Mr. R. R. Livingston, Mr. Sackett, Major Schenk—*Dutches.*

Major Webster, Mr. Duer—*Charlotte.*

Mr. Wm. Smith, Mr. Hobart—*Suffolk.*

Colo. Allison, Mr. Wisner, Mr. Jos. Smith, Dr. Sherwood—*Orange.*

Mr. Mills, Mr. Haviland, Mr. Zeph. Platt—*Westchester.*

Mr. Sessions, Mr. Stevens—*Cumberland.*

The Convention on information that the soundings of Hudson's river, at and about Fort Washington, is not accurately sounded, and thereupon came to the following resolutions.

WHEREAS, there is reason to apprehend that the channel of Hudson's river opposite to Fort Washington is not yet sufficiently obstructed; AND WHEREAS it is of the utmost importance to the safety of this State, and the general cause of America, that the navigation of that river should not be occupied by the enemy's ships: Therefore,

Resolved, That Captain Thos. Greenhill be, and he is, hereby requested and authorized to proceed with all possible dispatch to Mount Washington, in order to take an accurate survey of the landings of that part of Hudson's river, and that he report his proceedings to the Convention of this State with all possible despatch.

Resolved, That the commanding officer of Fort Washington be applied to by Captain Greenhill for his permission to sound the river, and for his assistance in carrying the above resolution into execution.

Resolved, That General James Clinton be requested to furnish Captain Greenhill with a whale boat, and a sufficient number of hands whose attachment to the American cause may be relied on, in order to assist in carrying this

measure into execution, that General Clinton and Captain Greenhill be earnestly requested to conduct this matter with all the secrecy possible.

The letter from Colo. Trumbull received at noon was again read, and here follows, vizt:

" King's Bridge, 16th Septr. 1776.

" GENTLEMEN—Yesterday our troops evacuated New-York to the enemy, and mean to make a stand at and near this place. In the retreat I have been obliged to leave behind large quantities of flour, which reduces our magazine too low. It is absolutely necessary to have a large quantity soon. I have taken measures to get it in. But fearing the apprehensions of the people may prevent their coming, and thereby distress the army, and knowing your Body to be in a great flour country, I must beg the favour of you to forward with all despatch, whatever flour can be had at and about Fishkill, to Spiting Devil creek, or as near it as may be. I much expect the ships up the North river again by and by; this makes me in the greater hurry to have this measure effected, as it may save us great expense and difficulty in land carriage. Perhaps it may be best to insure the vessels and flour against the enemy; this and the prices I will submit to your direction; the money for the flour will be ready and paid on delivery. Your aid and assistance in this matter will greatly oblige,

" Gentlemen, your most obedient humble servant,

" JOS. TRUMBULL, *C. Gen.*

" To the Honble. the Convention
of the State of New-York."

The resolutions for procuring flour for the Commissary-General, in pursuance of his letter, being read and agreed to, are in the words following, to wit:

WHEREAS Joseph Trumbull, Esqr. Commissary-General of the American army, by his letter, dated yesterday at King's Bridge, and directed to this Convention, informs that the American troops have evacuated New-York and mean to make a stand at and near King's Bridge: That he has been obliged to leave behind large quantities of flour, which reduces his magazine too low: That it is necessary to have a large quantity soon, that the army may not be distressed; and requesting flour to be forwarded with all despatch to Spuytden Duvel creek, or as near it as may be, to prevent the expense of land carriage, if the enemy's ships should come up Hudson's river, further suggesting that it may be best to insure the vessels and flour against the enemy; which, together with the price, he submits to this Convention, requesting their aid; and the said Commissary-General therein engages, that the money for the flour shall be paid on delivery:

Resolved, therefore, That Major Henry Schenk be and hereby is appointed agent in behalf of the said Commissary-General, to purchase all the flour which can be obtained in Dutchess, Orange and the lower end of Ulster counties; and that Colo. Charles De Witt and Dirck Wynkoop, Junr. Esqr. be and each of them severally is hereby appointed agent in behalf of the said Commissary-General, to purchase all the flour which can be procured in Ulster county, and places adjacent, not before particularized; and the said agents are hereby respectively authorized, if it shall be found necessary, to impress sloops or vessels for the transportation of the said flour; and to have such vessels appraised by three indifferent freeholders, one to be elected by the agents respectively, another by the owner of each vessel, and the third by the two first elected; that the said agents shall, in behalf of the Commissary-General, insure against all risk of the enemy to the sellers of the flour respectively, the amount thereof, at the stipulated price, and to the owners of the vessels the value thereof, according to appraisement, such price and valuation, in case of capture, to be paid by the Commissary-General, agreeable to the said letter: That they shall take bills of lading from the masters of such vessels, to deliver the said flour with the utmost despatch (the danger of the enemy excepted) to the Commissary-General at Spiten Duyvel creek, as near thereto as may be; forwarding to the Commissary-General by land and by each vessel, copies of each bill of parcels, and of each appraisement of the vessels and bills of lading, with letters of advice, that the sellers of the flour and owners of the vessels may be under no difficulty in procuring payment.

Ordered, That a certified copy of the preceding appointments and resolutions be immediately dispatched to the Commissary-General, and that a certified copy thereof be given to Major Schenk, and another such copy be despatched to Messrs. Dewit and Wynkoop, at Kingston.

A draft of an answer to the letter of the Commissary-General, was read and approved, and is in the words following, to wit:

" SIR—The Convention of this State have received your letter of the 16th instant by Mr. Peter Garson, in consequence of which they have entered into the enclosed resolutions, which I am directed to transmit to you. We shall exert ourselves to the utmost of our power in every measure which may forward the common cause; which, notwithstanding the present aspect of affairs, we doubt not will triumph over our tyrannical enemies.

" Mr. Colt, your deputy, has paid into the hands of Major Schenk, one of the agents, for the purpose of procuring flour, the sum of three thousand six hundred dollars, for which that gentleman will be accountable.

" I am, sir, with respect, &c.

" JOSEPH TRUMBULL, Esquire."

A letter from Gilbert Livingston, Esquire, at Poughkeepsie, was read. He therein informs that the chain intended to obstruct the navigation of Hudson's river, has been delayed for want of iron. He requests that one of the other members of the committee may come to him to assist him, and bring with him two thousand pounds, as their treasury is nearly exhausted; and informs that he expects to go to the fort to see that the apparatus is ready to fasten and stretch the chain.

Ordered, That the secret committee for obstructing the navigation of Hudson's river, have permission to go to the fortifications in the Highlands to-morrow morning.

Resolved, That Mr. Duane, Mr. Hobart, General Ten Broeck, Mr. Duer, Mr. William Smith, Mr. Wisner and Mr. Bancker, with the President, constitute a Committee of Safety; that the President and any four of those gentlemen be a quorum of that Committee; that they continue a Committee of Safety until the first meeting of a representation of this State in Convention; that every other member who may attend, have a voice in the committee, and that the said committee have power to send for any members of this Convention who may be absent.

Ordered, That Mr. Hobart, Mr. Duer and Mr. Bancker be a committee to consider of, and report the most proper disposition to be made of the vessel, or sloop of war Montgomery, belonging to this State.

Ordered, That Mr. Robert Harper be added to and be one of the committee for taking the examination of Samuel Gale, Esqr.

Adjourned.

DIE MERCURII, 9 HO. A. M.

Septr. 18th, 1776.

The Convention met pursuant to adjournment.

PRESENT—Abraham Yates, Esquire, *President*.

Mr. Duane, Mr. Bancker, Mr. Robt. Harper—*New-York*.

Mr. Robt. R. Livingston, Mr. Sackett, Doctr. Crane—*Dutches*.

Mr. Ab. Yates, Genl. Ten Broeck, Mr. John Ten Broeck, Mr. Adgate, Mr. Robt. Yates—*Albany*.

Mr. Moore, Mr. Wm. Harper, Mr. Veder—*Tryon*.

Mr. Wm. Smith, Mr. Hobart—*Suffolk*.

Mr. Wisner, Junr. Colo. Allison, Mr. Jos. Smith—*Orange*.

Mr. Duer, Major Webster—*For Charlotte*.

Mr. Wisner, Junr. Major Parks—*Ulster.*
Mr. Haviland, Mr. Mills, Mr. Jonth. Platt—*Westchester.*
Mr. Sessions, Mr. Stevens—*Cumberland.*

WHEREAS this Convention, after many anxious inquiries, hath at length received certain intelligence that the Honble. Nathaniel Woodhull, Brigadier-General of the militia, and President of the Convention of this State, is at present in the hands of the enemy, and that he was made captive whilst actually employed in executing the resolutions of this House: AND WHEREAS they are loudly called upon, not only by the sacred voice of honour and public duty, but likewise by the sympathizing principles of personal affection and respect, to exert themselves in restoring so valuable a person to that liberty which he has himself lost in endeavouring to secure to others, that inestimable blessing: Therefore,

Resolved, That a list of the prisoners at the disposal of this State, be immediately made out and transmitted to General Washington; and that John Sloss Hobart, Esquire, wait on His Excellency with the earnest request of this Convention, that he will be pleased to give his assistance and advice in negociating this exchange.

WHEREAS the sum of one thousand eight hundred pounds was advanced by this State to Colo. Pierre Van Cortlandt and Capt. Zephaniah Platt, as occasional Commissaries, for such of the militia of this and the neighbouring States, as were, at the request of His Excellency the General, called out for the defence of the State, which sum they have expended and accounted for with Mr. William Paulding, deputy commissary:

Resolved, therefore, That Mr. Gerard Bancker be directed to get a true state of that account, from Mr. William Paulding, and request payment thereof from the Commissary-General; and on the receipt of the money to give a proper discharge therefor, which shall be considered as a voucher for the money by the Auditor and Treasurer of this State.

Resolved, That Mr. Gerard Bancker, Deputy Treasurer of this State proceed immediately to the persons who had the charge of the pork and other provisions belonging to this State, in Westchester county, in order to procure the receipts for what has been furnished to Joseph Trumbull, Esqr. Commissary-General, or any of his agents or deputies; and that Mr. Bancker be directed and authorized to apply to the said Commissary-General for the payment of the same at the price current of those articles when delivered; and that the receipt of the said Gerard Bancker shall be a sufficient voucher in behalf of this State.

Ordered, That Colo. Allison be added to and be one of the committee for taking the examination of Samuel Gale, Esqr.

Ordered, That the officer commanding the detachment of Capt. Melancton Smith's company, which attends this Convention be, and hereby is, commanded to take into the custody of his guard Wm. Tredwell, Benjamin Ludlum and Samuel Gale, and them safely keep, as separate from each other as he can, till further orders of this Convention or their Committee of Safety.

Mr. Hobart, from the committee to report the most proper disposition of the sloop Montgomerie, delivered in their report which was read. That part of the report which respects the condemnation and sale of prizes was agreed to. Thereupon,

Resolved, That a letter be immediately written to Mr. Joseph Hallett, the agent for prizes, requesting him forthwith to repair to New-England, and take the most speedy and effectual measures for the condemnation and sale of such vessels and goods as Capt. Rogers the commander of the said sloop may have brought into that country.

The said committee also reported a draft of such letter to Joseph Hallett as above mentioned, which was read and approved of, and is in the words following, to wit:

"SIR—The Convention having received information that Capt. Rogers of the sloop Montgomerie, has left the south side of Long island, and is arrived at Norwalk, in Connecticut, with some of his prize goods, and that some vessels which he brought off with him are arrived in other parts of New-England, it is their desire that you repair forthwith to that country, and take the most speedy and effectual measures for the condemnation and sale of such vessels and goods; which I am directed to signify to you, and am, sir,

"Your most obedt. servt.

"To Jos. HALLETT, Esqr."

Ordered, That a copy thereof be engrossed, and signed by the President, and transmitted.

That part of the said report which relates to the sale of the sloop Montgomerie, was recommitted to Mr. Wm. Smith, General Ten Broeck, Mr. Duer and Mr. Bancker. Mr. Hobart being excused on his earnest request and reasons assigned.

Resolved, That a committee be appointed to devise ways and means for establishing a fund for the board and subsistence of the poor inhabitants of this State, who have or may be by distress of war obliged to abandon their habitations upon such a plan as shall be least burthensome to the good people of this State.

Resolved, That Mr. Robert R. Livingston, Mr. Duer, Mr. Duane, Mr. Jay and Mr. Robert Yates, be the committee.

Ordered, That that part of the report of a former committee on this subject, and which was read and postponed on the 25th of August last, be recommitted to the same committee.

Ordered, That Mr. William Smith have leave of absence to go to Orange county, ten days from the time of his departure.

Resolved, That Colo. Broome and Captain Denning be, and are hereby appointed members of the committee of safety and correspondence, for that part of this State which lies below the Highlands; that they be requested immediately to attend that business; and that Capt. Denning, on his way to attend this Convention, to receive instructions for the said Committee.

Robert R. Livingston, Esqr. informed the Convention that from intelligence he has received, the particulars whereof he cannot, consistent with prudence disclose, it may be necessary to call out a detachment of the militia, or the guards which are now attending this House, and that some member of this House should be empowered for that purpose. Therefore,

Resolved, That Nathaniel Sacket, Esqr. be and is hereby empowered to employ from time to time any detachments of the companies under the command of Capt. Melancton Smith, or any part of the militia of Dutchess county, not exceeding twenty men, which he may think necessary, and to give them such orders as he may think proper, which they are hereby directed to observe and obey.

Mr. Wisner, Senr. from the committee to whom was referred the consideration of a more easy and effectual mode of raising the several quotas of the militia for the garrisoning of the forts Constitution and Montgomerie, delivered in their report; the same being read, and the question put whether the Convention agrees with their committee in the said report, it was carried in the negative.

Resolved, That the Committee of Safety appointed till the first meeting of the Convention, be revived, and that the same continue until the next meeting of the Convention.

JOURNAL

OF THE

COMMITTEE OF SAFETY.

WEDNESDAY AFTERNOON,
Septr. 18*th*, 1776.

The Committee of Safety met.

Present—ABRAHAM YATES, Junr. Esqr. *Chairman.*

Mr. BANCKER,* Mr. DUANE,*—*For New-York.*

Mr. HAVILAND, Colo. DRAKE, Colo. VAN CORTLANDT—*For Westchester.*

Mr. ABM. YATES,* Genl. TEN BROECK,* Mr. ROBT. YATES, Mr. TEN BROECK—*For Albany.*

Mr. DUER—*Charlotte.*

Mr. SMITH,* Mr. HOBART—*For Suffolk.*

Mr. HARPER, Mr. MOORE—*Tryon.*

Dr. SHERWOOD, Colo. ALLISON, Mr. WISNER,* Mr. SMITH—*For Orange.*

Those names marked with an asterisk are the members appointed to constitute the Committee of Safety.

A letter from Hugh Hughes, Assistant and Quarter-Master-General, by express, dated yesterday at Head-Quarters, near King's Bridge, was received and read. He, at the request of Genl. Washington, informs the Convention that two Albany skippers have deserted the service without unloading their cargoes; the one named Brooks has such utensils for supplying the army with soap and candles, that the business cannot be carried on without them: the other, named Rolf or Roff, has ammunition on board, besides sundry articles belonging to the Quarter-Master-General's department, it is said. Mr. Hughes, by direction of the General, gives this information that a suitable remedy may be timely applied.

The said letter being taken into immediate consideration; thereupon,

Resolved, That a copy of the letter received from Mr. Hugh Hughs be immediately sent by express to the chairman of the committee of Albany, and that the said committee be requested to send back all the property belonging to the Continent, contained in the said sloops; and to inquire into the conduct of Capt. Roff and Capt. Brooks, and transmit a state of facts to this Convention, taking good security of the said Roff and Brooks to abide by the future order of this Convention in the premises.

Ordered, That a copy of the above resolution be transmitted to Mr. Hughs.

A letter from the committee of Albany, dated the 12th instant, was read. They thereby informed that the major from Cumberland county, with the proportion of men to have been raised to the eastward of the Green Mountains as a part of Colo. Van Dyck's regiment, have not joined the regiment or come into the service.

A letter from Esqr. who was intended to have been major of that regiment, to Brigadier-Genl. Ten Broeck, was also read.

Ordered, That Mr. R. R. Livingston, Mr. Hobart, Mr. Duer and Mr. Robert Yates be a committee to take those two letters into consideration, and report thereon.

A letter from the committee of Albany, dated the 16th instant, was also read.

The committee thereby express great concern on account of General Schuyler's resignation, and express their fears that it will occasion many other resignations in the army, the militia and the civil departments.

A long letter from General Schuyler, dated the 15th, and a part thereof dated on the 16th instant, was read.

The General therein informs the Convention of his resignation and in part his reasons for having requested leave to resign his office, and informs the Convention of the latest intelligence from the northward and westward, and that the militia were countermanded before his receipt of the last letter from this Convention.

The examination of a Hessian deserter, enclosed in General Schuyler's letter, was also read. Information is thereby given of the numbers of Hessians, Brunswickers, and other foreign troops in Canada.

Ordered, That the letter from the committee of Albany, of the 16th instant, the letter from General Schuyler, of the 15 and 16th instants, and that part of Genl. Schuyler's letter of the 8th instant which remains to be considered, be committed to Robt. R. Livingston, Mr. Hobart, Mr. Duer and Mr. Robert Yates to report thereon with all convenient speed.

A letter from Cornelius Glenn, treasurer of the county of Albany, to the President of the Convention, dated the 13th instant, was read. He requests his opinion whether the usual election shall be held in that county for a county treasurer; or whether it shall be delayed until a plan is prescribed for that department under the new form of Government.

Ordered, That the consideration of, and determination on, this letter be referred to the Convention.

JOURNAL

OF THE

PROVINCIAL CONVENTION.

DIE JOVIS, 9 HO. A. M.

Septr. 19*th*, 1776.

The Convention met pursuant to adjournment.

Present—ABRAHAM YATES, Junr. Esquire, *President*.

Mr. BANCKER, Mr. ROBT. HARPER, Mr. DUANE, Mr. JAY—*New-York*.

Doctr. CRANE, Mr. SACKET, Mr. R. R. LIVINGSTON—*Dutches*.

Major WEBSTER, Mr. DUER—*Charlotte*.

Mr. AB. YATES, Mr. JOHN TEN BROECK, Mr. ADGATE, General TEN BROECK—*Albany*.

Colo. ALLISON, Mr. JOS. SMITH, Mr. SHERWOOD, Mr. LITTLE—*Orange*.

Mr. SESSIONS, Mr. STEVENS—*Cumberland*.

Mr. SMITH, Mr. HOBART—*Suffolk*.

Colo. DRAKE, Mr. LOCKWOOD, Mr. MILLS, Mr. HAVILAND, Colo. VAN CORTLANDT—*Westchester*.

Major PARKS, Mr. WISNER—*Ulster*.

Mr. MOORE, Mr. HARPER, Mr. VEDER—*Tryon*.

Capt. Samuel Tudor, one of the superintendents for building the Continental ships at Poughkeepsie, attending, delivered in a letter from General Schuyler, dated Albany Sept. 17th, 1776, and directed to Messrs. Van Zandt, Tudor and the other gentlemen to whose care the building of the frigates at Poughkeepsie is committed, wherein the General informs those gentlemen that he received a line by express from General Gates informing him that he is in the greatest distress for the cordage mentioned in a list inclosed in the said letter for the use of the row gallies, which are the greatest strength of our naval force on the lake.

Capt. Tudor requested the opinion and advice of the Convention on this subject.

Resolved, That as a naval strength on Lake Champlain is an object of the utmost importance, and will greatly contribute to the security of America, that the agents for building the ships at Poughkeepsie be directed to supply such and so much cordage as General Schuyler requires, and that this Convention will justify them to the Honourable the Continental Congress.

Mr. Haviland and Mr. Platt, have leave of absence to return on next Monday week.

A certified copy of a resolution of the committee of Dutches county was read and filed, and is in the words following, to wit:

"IN COMMITTEE,
Dutchess county, Septr. 17*th*, 1776.

"It having been suggested to this committee by the Deputies from this county in Convention, that the quorum at present necessary to represent the county being five was too numerous, and that by means thereof, was frequently deprived of a voice in the Convention.

"*Resolved*, therefore, That the number of the quorum be reduced from five to three, and accordingly that of the nine Deputies elected to represent this county in the Convention of the Representatives of this State, any three of them be a quorum for that purpose.

"By order,
"EGBERT BENSON, *Chairn.*"

The determination of the committee of Dutches county was approved of.

Ordered, That Mr. Jay, Mr. Duer, Mr. R. R. Livingston, Mr. Robert Yates and Colonel Drake, be a committee to devise ways and means for preventing the dangers which may arise from the disaffected in this State.

On motion of Mr. Duane,

Resolved, That a committee be appointed to examine into and report the present state of the treasury. The progress which has been made in emitting the sum of £200,000 to supply the exigencies of the State, agreeable to a resolution of the Convention passed on the 15th day of August last. The obstructions which have prevented the settlement of the public accounts of this State against the Continent, and further means for the immediate supplying the treasury with money.

Resolved, That this committee consist of those gentlemen to whom was referred a list of the unsettled accounts of public moneys delivered in by the deputy treasurer, and committed last Tuesday at noon, vizt: Mr. Duane, Mr. Bancker and Mr. Moore.

Mr. Jay has leave of absence for eight days from the time of his departure.

The committee appointed to procure a proper guard-house for the detachment of Capt. Smith's company at

this place, by order, reported that the most convenient place they have observed or can obtain is a hatter's shop belonging to Mrs. Mary Bloodgood, which needs repair.

Ordered, That Mr. Sackett be added to that committee, and that the said committee repair that shop for a guard-house at their discretion.

The report of the proceedings of Mr. Hobart and Mr. James Townshend, the committee appointed on the 28th of August to repair to General Woodhull, on Nassau island, to advise and assist the General in the execution of the orders given to him by this Convention, was read and taken into consideration. Thereupon

Resolved unanimously, That this Convention approve of the conduct of the said committee while they acted in conjunction, and of the conduct of John Sloss Hobart, Esquire, when acting separately, as the same is stated in the said report and the papers therein referred to.

Mr. Joshua H. Smith, from the committee formerly appointed to consider of means for the relief of insolvent debtors, reported a draft of a bill or set of resolutions for the relief of insolvent debtors, which was read and amended, and being read a second time,

Ordered, That it lay on the table for the further perusal and consideration of the members.

Mr. Duer, of the committee appointed to devise ways and means for preventing the dangers which may arise from the disaffected in this State, reported a draft of certain resolutions for that purpose, which were read; the same being read a second time, Mr. Duane moved, and was seconded by Mr. Wm. Harper, that the consideration of this report be postponed till to-morrow morning.

Debates arose thereon, and the question being put, it was carried in the affirmative in manner following, to wit:

For the affirmative.		*For the negative.*	
Albany,	6	Charlotte,	2
Cumberland,	2	Dutches,	5
Ulster,	4	Westchester,	4
Tryon,	3	Orange,	3
	15		14

Therefore,

Ordered, That the further consideration of the said report be postponed till to-morrow morning.

On motion of Mr. Jay,

Ordered, That a committee be appointed to enquire whether any and what bounty is necessary for encouraging the manufacturing of gunpowder in this State. That Mr. Wm. Smith, Mr. Zephaniah Platt and Mr. Wm. Harper be the committee for that purpose.

Resolved, That a committee be appointed to employ proper persons for making discoveries and essays of sulphur, lead and flint within this State; that for this purpose they have power to draw on the Treasury for a sum not exceeding five hundred dollars; and that they report their proceedings to this Conventon; and that Mr. Wisner, Senr. Mr. Robert Yates, Mr. Wm. Harper, Mr. Adgate and Doctor Crane be the committee for the purposes above mentioned.

Ordered, That the appointing inspectors of saltpetre and gunpowder manufactured in or imported into this State, be taken into consideration on Saturday next.

Resolved, That the committee for establishing posts and obtaining intelligence, be empowered to appoint a secretary, and to allow him a reasonable compensation.

DIE VENERIS, 9 HO. A. M.

Septr. 20th, 1776.

The Convention met pursuant to adjournment.

PRESENT—Abraham Yates, Junr. Esqr. *President*.

Mr. Bancker, Mr. Harper, Mr. Duane—*New-York*.

Doctr. Crane, Mr. R. R. Livingston, Mr. Sackett—*Dutches*.

Mr. Ab. Yates, Mr. Robt. Yates, Genl. Ten Broeck, Mr. Jno. Ten Broeck, Mr. Adgate—*Albany*.

Mr. Moore, Mr. Wm. Harper, Mr. Veder—*Tryon*.

Mr. Wm. Smith, Mr. Hobart—*Suffolk*.

Mr. Jos. Smith, Colo. Sherwood, Mr. Wisner, Junr. Colo. Allison, Mr. Little—*Orange*.

Mr. Webster, Mr. Duer—*Charlotte*.

Mr. Wisner, Mr. Parks—*Ulster*.

Mr. Mills, Mr. Colo. G. Drake, Major Lockwood, Colo. Van Cortlandt—*Westchester*.

Mr. Sessions, Mr. Stevens—*Cumberland*.

The committee appointed to consider Genl. Schuyler's letter brought in their report, which was read. Thereupon the General's letter of the 15th and 16th was read, and hereafter follows, vizt:

"*Albany, Sept. 15th*, 1776.

"SIR—I do myself the honour to advise you that by accounts received from General Gates and Colo. Dayton, the necessity of marching up the militia is superseded; I have sent express to Ulster and Dutchess counties to advise them of this, and have dismissed those that were here. The cannonade which was heard on Lake Champlain and which was supposed to be between General Arnold and the enemy's army, was only a fire at a party of the enemy who attacked a boat belonging to our fleet at Windmill Point, in which three of the crew were killed and six wounded. The fleet continues off Isle-au-Motte, and no naval force of the enemy had appeared on the 9th instant; our army at Tyconderoga, by the last returns, consisted of 12,970 men, are in good spirits, and so extremely well fortified on advantageous ground, that little is to be feared, even if the enemy should be able to cross the lake and make an attack. Many important matters require immediate attention in this department, to guard the State against the attempts which will undoubtedly be made in the winter and spring by the enemy from the northward. I suggested my ideas to Congress; but as I have not been honoured with a line in answer to my letters for near two months past, I suppose more momentous concerns so entirely engross their attention that they have not had time to take them into consideration.

"As I accepted of a command under the fullest conviction of my incompetency, I have made more than ordinary exertions to discharge the duties of it; that if I could not gain reputation, I might at least not reflect disgrace on you, by whose means the command was conferred.

"Unhappily for me, jealousy and envy have followed me from the beginning. Aware to what a critical situation I was elevated, with the eyes of a jealous people on me, I took every precaution, that I might have it in my power to justify myself whenever my conduct should be called in question; how far I have succeeded I shall beg the Convention of this State to judge, when I shall do myself the honour to lay a variety of papers before them, which I believe will be very soon, as I have sent my resignation to Congress.

"As the Convention is now removed to a place where they cannot be informed by the usual channel of what is transacting in this department, I shall do myself the honour to give them the most early information of every event as it arises."

"*Septr. 16*, 1776.

"Last evening I was honoured with the resolutions of the Convention of the 13th, conveyed to me by Mr. Cuyler. I am happy that there is no occasion at present for the service of the militia. Should it become necessary, whilst I continue in command, (which will probably be until the first of October,) to call for their aid, I shall pay due attention to the information you have been pleased to give me, and not call on either Dutchess or Ulster county, unless on the most urgent necessity.

"I shall immediately despatch a proper person to purchase the medicines from the persons mentioned in your resolution. For although I am in hopes that Doctor Stringer, who is gone to New-England, will procure a considerable quantity there, yet the consumption in so large an

army will, I fear, be far beyond what he will be able to procure.

"I enclose you a copy of information given by a Hessian deserter, who lately arrived at Tyconderoga.

"I am, sir, with great respect,

"Your most obedt. humble servant,

"PH. SCHUYLER.

"The Hono. ABRAHAM YATES, Junr. Esqr.
President of the Convention of the State
of New-York."

The copy of the information given by a Hessian deserter, was again read and filed.

The letter from Albany of the 16th instant, was again read, and follows, vizt:

"ALBANY COMMITTEE CHAMBER,
"16th Sept. 1776.

"GENT.—We are informed that General Schuyler has sent in his resignation to Congress, a circumstance truly alarming to the inhabitants of this city, and we fear will be very detrimental to the public cause. His conduct as a general, his indefatigable assiduity on all occasions, are so very conspicuous that we can not help expressing the deepest concern.

"We are fully sensible, and time will evince that the effects of his resignation will be severely felt in the northern department, as we are well assured no person can be found to succeed him, capable of holding so honourable an office, that has a sufficient influence to conduct matters in the manner he has done with such feeble supports.

"This day a committee of this board waited on his honour, requesting to know the reason of his resigning. His answer was that such inattention was paid to his remonstrances to Congress, and such calumnies thrown out against him that, consistent with the character of a gentleman, he could not do otherwise.

"We are very unhappy to think that Congress should pay so little regard to the character of a gentleman, whose conduct we are well assured merits the approbation of every well wisher to this much injured country.

"From what we have already heard, we can inform you as a fact, that many resignations will follow his in a short time, as well in the militia and civil, as in the military departments.

"It is unnecessary for us, we presume, to expatiate on the great abilities which he possesses, as part of his conduct has manifested it more fully than we can possibly express.

"From a full conviction of the above facts we do instruct you, that you lay this letter before the Convention of this State, and desire you will use your influence to have the sense of this board transmitted to Congress on this occasion.

"We are gent.

"Your very humble servts.

"By order.

"JOHN BARCLAY, *Chairman.*

"To the Deputies of the county of
Albany, in Convention of the State of New-York."

General Schuyler's letter of the 9th instant, which was made a part of the minutes of this Convention on the instant, was again read. Thereupon the said report of the committee was again read, and being then read by paragraphs, on reading the second resolution, Mr. Duane moved for the following amendment, to wit: That the words "*endanger the peace*" be obliterated, and the words "*be productive of discontent and endanger the safety of this State,*" be inserted in their stead.

Debates arose thereon, and the question being put, it was carried in the negative in manner following:

For the negative.		*For the affirmative.*	
Charlotte,	2	Tryon,	3
Albany,	6		
Westchester,	4		
Cumberland,	2		
Orange,	3		
Ulster,	4		
Dutches,	5—26		

Therefore the said amendment was rejected.

The residue of the said report being read by paragraphs, amended and approved of, the whole of the said report was again read adopted by the Convention, and is in the words following, to wit:

WHEREAS this Convention have received information that Major-General Schuyler has sent in his resignation to the Honourable the Congress, which they have reason to believe has arisen from some unhappy misapprehension of, and a neglect to inquire into his conduct: they can not, therefore, in justice to his character, avoid expressing their sense of his merit, and their apprehension of the influence his resignation may have on the public measures: Therefore,

1st. *Resolved unanimously*, That Major-General Schuyler, since his appointment to the command in the northern department has, as far as this Convention has been enabled to judge, discharged the duties of his important trust with assiduity, fidelity and skill.

2nd. *Resolved*, That it is the opinion of this Convention that the resignation of Major-General Schuyler, at this critical period, will, if accepted, greatly affect the general interest of America, and endanger the peace and safety of the State.

3rd. *Resolved unanimously*, That the Honourable the Congress be requested (through the Delegates from this State) to withhold their assent to the resignation of Major-General Schuyler, and to cause an inquiry to be made into his conduct, since this Convention can not but hope that an honourable acquittal will, by silencing the voice of calumny, induce him to continue in his command, and thereby preserve a useful officer to the public.

Resolved unanimously, That as Major-General Schuyler was appointed at the request of this Convention, if no inquiry should shortly be made into his conduct, that it will be the duty of this Convention to institute the same, in order either to justify their recommendation, and vindicate a character which they have reason to fear has been unjustly traduced, or to hold him up, if he has disgraced his appointment, as an object of public censure.

Resolved unanimously, That Robert R. Livingston, Esqr. wait upon Major-General Schuyler, in order to inquire into the reasons of his resignation, and to report the same, and in the name of this State to request him not to insist thereon.

Resolved, That a copy of the foregoing resolutions be immediately sent to the Delegates of this State at Congress, in order to be laid before that Honourable House.

A draft of a letter to the Delegates of this State to attend the said resolutions, was read and approved, and is in the words following, vizt:

"GENTLEMEN—The Convention have much at heart the subject of the enclosed resolutions, and have directed me to recommend them to your particular attention. They are persuaded that General Schuyler's resignation will not only be highly prejudical to the common cause of America, but the loss of an able and vigilant officer, singularly qualified for the command he now fills, will be productive of internal jealousy and discontent, at a period when union and harmony are necessary for our preservation.

"I have the honour to be, gentlemen,

"Your most obedt.

"*P. S.*—I am directed to add that the Convention have received no answer to their last letters; they would wish to hear from you on the matter contained in them, and this matter as soon as possible."

Ordered, That a copy of the said letter be engrossed, and signed by the President, and transmitted without delay.

Mr. Duane from the "committee appointed to examine into and report the present state of the treasury, the progress which has been made in emitting £200,000 to supply the exigencies of this State, agreeable to a resolution of the Convention passed on the 13th of Augt. last, the ob-

structions which have prevented the settlement of the public accounts of this State against the Continent, and further means for the immediate supply of the treasury with money," delivered in their report, which was read, and is in the words following, to wit:

"Your committee do report that they have according to order, considered the several matters submitted to their examination; that the treasury is exhausted, as appears by the account No. 1, being a general state of receipts and payments of the treasury down to the 17th instant, and that the most speedy and effectual means ought to be adopted to supply the treasury with money; that the public credit may be supported, and the heavy expenses to which this State must unavoidably be exposed, in its present critical and dangerous situation be provided for.

"That by reason of the evacuation of the metropolis, the loss of the paper mills, the dispersion of the printers, as well as of the gentlemen entrusted to procure the plates, superintend the press and sign the bills of credit directed to be emitted, there cannot be the least prospect of supplying the treasury from the intended emission, so as to answer the exigencies of the State.

"That the committee have examined into the measures which have been pursued for adjusting the public accounts of this State against the Continent, and for that purpose have been attended by the Deputy-Treasurer, to whose state of facts mentioned in the paper number two, they refer, and from which it appears that several of the persons named in the list delivered in by the Deputy Treasurer on the 17th instant, who have been entrusted with public money, have, though called upon, neglected to settle their accounts with the Auditor-General of this State, which, putting it out of his power precisely to ascertain how much of the monies have been applied for Continental service, and how much for the more immediate purposes of this State, hath hitherto proved an insurmountable obstruction to the adjustment of the public accounts of this State against the Continent.

"That nevertheless from an estimate made by the Deputy-Treasurer, contained in the paper number 3, which is herewith presented, it appears, and your committee are satisfied, that upwards of sixty-two thousand dollars are due from the United States to the State of New-York, whereupon your committee have agreed to the following resolutions:

"1st. *Resolved*, That it is the opinion of this committee that the Auditor-General be directed to use all possible diligence in completing the settlement of the public accounts of this State with the United States, and procuring the necessary vouchers, in order that the said accounts and vouchers may, without further delay, be transmitted to the treasury office of the United States at Philadelphia, there to be finally settled and passed; and to remove the impediment which has hitherto retarded the settlement of the said accounts.

"2ndly. *Resolved*, That in the opinion of this committee, such of the persons named in the said list who have been entrusted with the public money and have neglected to produce their accounts and vouchers to the Auditor-General of this State, be and they hereby are enjoined, on pain of incurring the displeasure of this Convention, to attend the said Auditor-General at Fishkills with their respective accounts and vouchers as soon as possible after receiving notice for that purpose from the said Auditor-General.

"3rdly. *Resolved*, That it is the opinion of this committee that the Honourable Congress of the United States be requested to advance to this State 100,000 dollars in consideration of the vast expenses to which we are exposed, and the impracticability, for the reasons herein set forth, of emitting bills of credit with a despatch suitable to the urgency of our public affairs and the calamitous circumstances into which we are involved. That in case this requisition should be complied with, the Convention do pledge this State to be accountable for the sums so to be advanced, declaring that the receipt of the Delegates of this State, or either of them, shall be a sufficient voucher for the same; and directing the said Delegates to forward the money as expeditiously as possible.

"4thly. *Resolved*, As the opinion of this committee, that if it should be inconvenient to the United States to advance to this State the sum specified in the before mentioned requisition, that then the Honourable Congress be and are hereby requested to advance to this State the sum of sixty thousand dollars on account, of the balance due from the Continent to this State, this committee being of opinion upon the best evidence they have been able to procure, that at least that sum must be due from the United States to this State."

The same report was again read by paragraphs. Thereupon,

Resolved unanimously, That this Convention does agree with their committee in the said report.

Ordered, That a copy of the preceding report be transmitted by the President of this Convention to the President of the Honourable Continental Congress. And that a copy be also transmitted to the Delegates of this State at the Continental Congress.

Ordered, That the President write a letter to the Honourable the President of Congress, and another to the Delegates of this State at Congress, to accompany the copies of those resolutions.

Ordered, That Abraham Yates, Junr. Esquire, the President of this Convention, have leave of absence for one fortnight from the time of his departure.

Mr. Duer from the "committee appointed to report a more effertual mode for detecting and defeating the designs of the internal enemies of this State," delivered in their report, which was read. The same was read a second time. Debates arose thereon.

Mr. Wm. Harper moved and was seconded, that the said report be rejected.

Mr. Duane moved and was seconded, that the former resolutions of the late Provincial Congress of this Convention for apprehending and securing dangerous and disaffected persons, be read.

After many debates on each of the said two last mentioned motions, the farther consideration thereof was deferred till to-morrow.

Mr. Adgate has leave of absence for a fortnight from the time of his departure. Mr. Wisner has leave of absence for a week from the time of departure. Mr. Duer dissents to both.

Resolved and Ordered, That the President, for the time being, with any five members, have power to send a messenger for any member who shall depart the Convention without leave, or for any member who having departed with leave, shall be absent longer than the time of permission to such member limited pursuant to the resolve and order of this Convention of the sixth instant.

The Convention being informed that Isaac Ketcham, who, as a traitor against this State, has lately been aiding and assisting the cruel enemies of the United American States in ravaging and plundering the farms and estates of the subjects and inhabitants of this State on Nassau island, and carrying off the stock, has been taken by Captain Rogers, and is now in chains on board the sloop Montgomery.

Ordered, That the said Isaac Ketcham be brought manacled and under a proper guard before this Convention, to abide the further order of this Convention. And that John Sloss Hobart, Esqr. be requested to see that this order be duly executed. Mr. Duane dissents.

Ordered, That Jost Wadder, alias Veder, and Peter Benjamin Van Vredenbergh, two deserters from Capt. Van Stein Bergh's company, from Dutches county and now in custody of the guard of Capt. William Clark's company, be sent to Fort Constitution and there delivered to the

commanding officer, and the said commanding officer is hereby requested to detain the said deserters in safe custody and send them by the first conveyance to the main guard at General Clinton's encampment, at or near King's Bridge, together with this order.

DIE SABBATI, 9 HO. A. M.

Septr. 21*st*, 1776.

The Convention met pursuant to adjournment.

PRESENT—Abraham Yates, Junr. Esqr. *President.*

Mr. Duane, Mr. Harper, Mr. Bancker—*New-York.*

Colo. Allison, Mr. Wisner, Doctr. Sherwood, Mr. Jos. Smith, Mr. Little—*Orange.*

Mr. Ab. Yates, Genl. Ten Broeck, Mr. John Ten Broeck, Mr. Robt. Yates—*Albany.*

Mr. Mills, Colo. Drake, Major Lockwood, Colo. Van Cortlandt—*Westchester.*

Mr. Wm. Smith, Mr. Hobart—*Suffolk.*

Mr. Moore, Mr. Veder, Mr. Harper—*Tryon.*

Mr. Wisner, Junr. Major Parks—*Ulster.*

Mr. Webster, Mr. Duer—*Charlotte.*

Mr. Zeph. Platt, Mr. R. R. Livingston, Mr. Sackett, Doctr. Crane—*Dutches.*

Mr. Sessions, Mr. Stevens—*Cumberland.*

Mr. Wisner informed the Convention that the rangers raised in Orange county are ready for service, but as the Indians are quiet and the rangers unemployed, he suggested to the Convention whether it might not be proper to send them to Fort Montgomerie for the present in lieu of the company of militia lately ordered to be detached from that county.

Resolved, That the state of the rangers be taken into consideration on Tuesday next.

Ordered, That Mr. Hobart be directed to call at the forts in the Highlands in his way to Head-Quarters; that he get an exact account of the garrison, and the number of men required to put them in a proper posture of defence; and that he state to the General the inconvenience we lay under in raising more of our militia, and request if they can be spared, that he would send a reinforcement from his army to those posts.

WHEREAS that part of the order of the 18th instant, which sets forth that Colo. Pierre Van Cortlandt and Capt. Platt had accounted with William Paulding for the public monies put into their hands for supporting the militia employed on the east side of Hudson's river while the enemy's ships of war were in the river appears to have been founded on mistake.

On motion,

Ordered, That the order of the 18th instant respecting those accounts, together with the schedule containing the names of the persons who have not accounted to the Treasurer, be recommitted to Mr. Ten Broeck, Mr. Bancker and Mr. Duer, who are hereby appointed a committee for that purpose.

On motion of General Ten Broeck,

Resolved, That Mr. Gerard Bancker the Deputy Treasurer of the State, do immediately draw upon the loan officers of the city and county of Albany in favour of the chairman of the committee of Albany, for whatever interest of the loan office money is at present in their hands, not exceeding the sum of twelve hundred pounds; and the said committee are hereby ordered to apply the sum so received to the payment of the one-half of the bounty to the rangers raised in the said county, and to the payment of the subsistence money to the company raised in the city of Albany for guarding the stores and vessels with provisions and ammunition in and about the said city.

The report of the committee to whom was referred "the consideration of a more effectual mode of detecting and defeating the designs of the internal enemies of this State," was again read.

On motion the resolutions of the Provincial Congress of the 5th day of June last, appointing a committee to call before them and secure persons dangerous and disaffected to the American cause and those of equivocal character, were also read.

The resolution of the Convention of the Representatives of this State, increasing the powers of the respective county committees as to dangerous persons, and also the resolutions of the Convention, on the 26th day of August last, authorizing the county committees to secure persons committed or to deliver the goals, were respectively read.

The Convention then resumed the consideration of the said report of the committee mentioned, the same was again read, and on motion made and seconded, the question was put whether the same shall be rejected, which was carred in the negative.

A letter from Genl. Washington was read and follows, vizt:

"HEAD-QUARTERS,
"*Heights of Harlem, Septr.* 20*th*, 1776.

"GENTN.—Having reason to believe the enemy will attempt to gall us with their ships of war from the North river as soon as they are ready to open their batteries against the front of our lines, which we expect them to erect with great industry, I beg leave to mention that I think it may be of immense consequence if your Honourable Body will order down some of your fire ships, which may lay just above the obstructions in the river under cover of the guns of Fort Washington, where they will be ready to act in case the ships should attempt to come up.

"Hurried and surrounded with a thousand things, I have only time to add, that

"I have the honor to be, with great esteem,
"Gentn. your most obt. st.
"GO. WASHINGTON."

On reading the letter of His Excellency General Washington of the 20th instant, requesting this Convention to order down some of their fire ships to lay just above the obstructions in the Hudson's river,

Resolved, That the two fire ships charged by Captain Hazelwood, be immediately despatched to Fort Washington, or near it. And,

Ordered, That Gilbert Livingston, Esqr. or any other member of the committee for obstructing the navigation of Hudson's river who may now be at Poughkeepsie, do immediately despatch the two fire ships prepared and charged by Captain Hazelwood, with proper persons to navigate them, under cover of the guns of the said fort, and there deliver them to the care of such person as His Excellency Genl. Washington has or shall appoint to take charge of them.

Ordered, That a copy of the above resolution and order be despatched to His Excellency General Washington, and another copy to Gilbert Livingston, Esqr.

A draft of a letter to His Excellency, was read and approved, and is in the words following, to wit:

"SIR—The Convention have received your Excellency's letter of Septr. 20th, and have, in consequence, entered into the enclosed resolution, which I am directed to transmit. We are sorry that it is not in our power to send down more than two fire ships, as they have no more charged in such a manner as to be depended on.

"A committee of correspondence has been established by the Convention, for the purpose of communicating to and receiving intelligence from the army. The express will receive orders to call upon your Excellency daily, and any commands or intelligence which your Excellency may think proper to transmit, will be thankfully received and punctually attended to, by

"Your Excellency's most obedient humble servant,
"By order.

"To His Excellency Genl. WASHINGTON."

Ordered, That a copy be engrossed, and signed by the President, and transmitted.

A letter from the Quarter-Master-General to Capt. Cook, open, directing him to purchase and procure timber and oak plank with all possible despatch for the army; and an order of the said Quarter-Master to Capt. Cook to purchase vessels, or take them at an appraisement, for completing the obstructions to the navigation of Hudson's river opposite to Mount Washington.

Ordered, That Mr. Duane, Mr. Sackett and Mr. R. R. Livingston, be a committee to go out and confer with Capt. Cook on the subjects of those two papers, and know what aid he expects of this Convention in the premises.

The Convention resumed the consideraton of the report of the committee on "a more effectual mode of detecting and defeating the designs of the internal enemies of this State."

A letter from Thaddeus Crane to Major Jos. Benedict, dated the 17th instant, was read. He therein informs that the disaffected are grown troublesome and impudent, and that it is necessary that some remedy be provided. He suggests the necessity of removing a number of disaffected persons from Salem, and raising a company of 25 or 30 men, under the command of Capt. Samuel Dellavan, for the purpose of awing and detecting the disaffected, insulting villains.

A pathetic letter on the same subject, from Major Jos. Benedict to Colo. Drake, dated the 18th instant, was also read and filed.

A letter from John White, of Rhynbeck precinct, to Capt. Zeph. Platt, dated the 16th instant, was also read and filed.

He therein complains of great desertions from the army; that at least thirty deserters are thereabout in the woods, and supported by disaffected persons; that some remedy ought to be applied.

The Convention then spent some further time in consideration of the said report, and the letters above mentioned. Thereupon,

Resolved, That thirty men be raised in Westchester county, by Capt. Samuel Dellivan, and put on the same establishment as those under the command of Capt. Micha. Townshend; that they compose one company, under the command of the said Capt. Samuel Dellivan, who is hereby empowered to appoint three sergeants, three corporals, and a drummer and fifer in the said company.

Doctor Crane had leave of absence, to return on Wednesday next; Mr. Duer dissenting.

The Convention adjourned one hour.

DIE SABBATI, 4 *ho. P. M. Septr.* 21*st*, 1776.

The Convention met pursuant to adjournment.

PRESENT—Abraham Yates, Junr. Esqr. *President.*

Mr. Duane, Mr. Bancker, Mr. Harper—*New-York.*

Mr. R. R. Livingston, Mr. G. Livingston, Mr. Platt, Mr. Sackett—*Dutches.*

The President, Genl. Ten Broeck, Mr. John Ten Broeck, Mr. Robt. Yates—*Albany.*

Mr. Wisner, Mr. Little, Doctr. Sherwood, Mr. Jos. Smith, Colo. Allison—*Orange.*

Mr. Wm. Smith, Mr. Hobart—*Suffolk.*

Mr. Mills, Major Lockwood, Colo. Van Cortlandt, Colo. Drake—*Westchester.*

Mr. Duer, Major Webster—*Charlotte.*

Mr. Wisner, Junr. Major Parks—*Ulster.*

Mr. Moore, Mr. Wm. Harper, Mr. Veder—*Tryon.*

Mr. Stevens, Mr. Sessions—*Cumberland.*

A letter from Thos. Randall, Esqr. one of the marine committee, dated at Elizabeth Town, the 7th Septr. was read and filed.

A letter from Thos. Quigley, mate of the privateer Putnam, dated at Cranberry inlet, the fourth instant, was also read and filed.

The petition of the officers and mariners of the said vessel of war, was also read and filed.

It thereby appears that there is a mutiny on board of the said vessel, and the mariners and crew demand their wages and refuse to continue in the said vessels under the command of Capt. Thos. Creiger.

Ordered, That those papers be deferred for consideration.

The Convention resumed the consideration of the report of the committee "on a more effectual mode of detecting and defeating the designs of the internal enemies of this State." The same being read by paragraphs, resolved on, and agreed to, is in the words following, to wit:

WHEREAS divers of the inhabitants of this State have, by the wicked arts and insidious and corrupt practices of William Tryon, Esq. late Governor of the Colony of New-York, and his adherents, been seduced to take part with our enemies, and aid and abet their measures for subjugating the United States of America: AND WHEREAS, although sundry of the said parricides have been discovered and secured, yet there is the highest reason to believe that the measures hitherto pursued fully to detect and suppress such inquitious practices and conspiracies, have not been effectual: AND WHEREAS this State is at present invaded by a powerful army at the Capital, and threatened with the incursions of another army, attended with a host of savages, on its northern and western frontiers, this Convention find themselves reduced by the great laws of self-preservation, and the duties which they owe to their constituents, to provide that no means in their power be left unessayed to defeat the barbarous machinations of their domestic as well as external enemies, and do, therefore,

Resolve, That a committee be appointed for the express purpose of inquiring into, detecting and defeating all conspiracies which may be formed in this State, against the liberties of America; that they be empowered to send for persons and papers; to call out such detachments of the militia, or troops in the different counties, as they may, from time to time, deem necessary for suppressing insurrections; to apprehend, secure or remove such persons whom they shall judge dangerous to the safety of the State; to make drafts on the treasury for a sum not exceeding five hundred pounds; that they be empowered to enjoin secrecy upon their own members, and the persons employed by the committee, whenever they shall judge the same necessary; and in general to do every act and thing whatsoever, which may be necessary to enable them to execute the trust hereby reposed in them; that the said committee keep regular minutes of all their proceedings and expenditures, together with the examinations which they may from time to time take, and the correspondence they carry on for executing these resolutions, in order that the whole, or any part thereof, may be submitted to the consideration of this Convention, or future Legislature of this State, whenever and as often as they may think proper to call for the same; that they be empowered, if they shall think it necessary, to raise, officer and put under pay, any number of men, not exceeding two hundred and twenty, officers included, to be upon the same establishment with those under the command of Captain Melancton Smith, and to station them in such places, and to employ them on such services as they shall judge expedient for the public safety.

Resolved, That the company of thirty men, ordered this day by this Convention to be raised by Captain Delavergne, be under the direction of the said committee.

Ordered, That the several committees in this State do, from time to time, transmit to the above mentioned committee all such information as they shall receive, relating to any machinations and conspiracies against this State; and that copies of these resolutions be immediately sent by express to the chairman of the county committees, and to all the brigadier-generals or commanding officers of the militia in this State, that they may govern themselves accordingly.

Extracts from the minutes,

ROBERT BENSON, *Sec'ry.*

Resolved and Agreed unanimously, That the said committee be chosen by ballot; and the ballots of the several counties being delivered in and told, William Duer, Charles D. Witt, Leonard Gansevoort, John Jay and Zephaniah Platt, Esquires, appeared duly elected by a majority of votes to be the members of that committee.

Resolved, therefore, That those gentlemen be the committee.

Resolved, That Nathaniel Sackett, Esquire, be added to and be a member of the said committee. And,

Ordered, That the Secretaries send notice to Charles D. Witt, Esquire, of his appointment to be one of this committee, and desire his attendance.

Resolved, That the chairman and two members of the said committee, be a quorum to proceed on business.

Resolved and Ordered, That the examinations of Samuel Gale, William Tredwell and Benjamin Ludlum, be delivered to the said committee; that they take the same, with any other papers or evidences relating thereto, into consideration, and commit them or take securities of them, or liberate and discharge them respectively, as the said committee may think proper.

Resolved and Agreed, That the order for committing the said Samuel Gale, Benjamin Ludlum and William Tredwell, to the officer of the guard at this place, be rescinded. And,

Ordered, That the Secretaries take security of each of them, by bond, with a surety to the President in the sum of £500 each, with condition for their appearance respectively before the said committee on request, and in the mean time not to depart farther than two miles from the Dutch church at Fishkill.

On report of the committee who went out to confer with Capt. Cook,

Resolved, That the secret committee for obstructing the navigation of Hudson's river, be empowered and directed to purchase and impress for the service of this State, any number of vessels not exceeding six, which they shall think best calculated for the purpose of completing the obstructions in Hudson's river opposite to Mount Washington; that they cause an appraisment of the said vessels to be made by persons under oath, in the most equitable and expeditious manner possible, in order that satisfaction may hereafter be made by this Convention to the owners of such vessels; and it is recommended to the said committee to request the services of Capt. Thomas Greenell in ballasting and navigating, and delivering those vessels to Capt. Cook at Fort Washington.

Resolved, That the said committee be directed to send all the oak plank (which they have in their possession) to Mount Washington, with the utmost despatch.

Resolved, That the superintendents for building the Continental frigates be earnestly requested to send as much of their short oak plank as they possibly can spare, to Fort Washington, with the utmost despatch, and this Convention do engage to justify their conduct in this particular to the Honourable the Continental Congress.

Resolved, That the last appointed Committee of Safety, with the addition of four members hereafter named, be revived. That therefore Mr. Duane, Mr. Hobart, Genl. Ten Broeck, Mr. Duer, Mr. Wm. Smith, Mr. Wisner, Mr. Bancker, and the four following members, vizt. Mr. Ten Broeck, Major Lockwood, Mr. Moore and Mr. Joshua H. Smith, constitute a Committee of Safety; that any four of them present at this place, be a quorum; that every other member who may attend, have a voice in the Committee; that the said Committee have power to send for any members of this Convention who may be absent, and that they continue a Committee of Safety until the first meeting of a representation of this State in Convention.

N. B. Colo. Van Cortlandt excused from being of the Committee of Safety, that he may go to relieve his family now in a boat or pettiauger on the river.

JOURNAL

OF THE

COMMITTEE OF SAFETY.

MONDAY MORNING.

September 23rd, 1776.

The following members met in Committee of Safety, to wit:

Mr. Bancker,* Mr. Duane—*Members of New-York.*
Mr. Sacket—*Of Dutchess.*
Mr. Duer,* Major Webster*—*Charlotte.*
Genl. Ten Broeck,* Mr. Ten Broeck*—*Of Albany.*
Major Lockwood*—*Of Westchester.*
Mr. Sessions, Mr. Stephens—*Cumberland.*
Mr. Little, Mr. Jos. Smith*—*Orange.*
Mr. Moore,* Mr. Harper, Mr. Veder—*Tryon.*

Those whose names are marked with an asterisk, are of the quorum of the Committee of Safety.

The Committee proceeded to the choice of a Chairman, when Brigadier-General Abraham Ten Broeck was unanimously elected.

Mr. Duer, one of the members of the committee for establishing riders betwixt this place and Head-Quarters, at or near King's Bridge, for the purpose of obtaining the most early intelligence, reported a letter from Brigadier-Genl. Scott, dated at the camp at King's Bridge, Septr. 21st, giving intelligence of a great fire which happened the preceding night in the city of New-York, but that he had not been able to get any information as to the particulars of it. The same was read and immediately returned to Mr. Duer to be filed with the committee papers.

A letter from John Barclay, Esqr. chairman of the committee of Albany, dated the 21st inst. and directed to Mr. McKesson, one of the Secretaries of the Convention of this State, was read. Mr. Barclay acknowledges the receipt of a resolution of the Convention, relative to Brooks and Roff, skippers of two Albany sloops, who are charged with having deserted the service, with their sloops laden with military stores, &c. and which they took on board at New-York, to be landed at or near King's Bridge. Mr. Barclay also informed the Convention that the said committee have despatched a batteau well manned, down the river in quest of them.

Whereas the Convention of this State did, on the 17th instant, appoint a Committee of Safety, to continue till the next meeting of a representation of this State in Convention, and authorized them to send for any members of the Convention who may be absent without leave, which said Committee was, with the addition of four members, and with the like power, on the 21st inst. revived. Therefore,

Ordered, That a messenger be immediately despatched to summon the following members who are absent without leave, to attend on the public business without delay, and that they pay the messenger a reasonable compensation for his trouble and expenses, to wit: Mr. Mills, Major Parks, Mr. Wisner, Junr. Colo. Sherwood, Colo. Allison, Colo. Livingston, Mr. Zepha. Platt and Mr. Stevens.

On motion of Mr. Duer the sense of the Committee was taken, whether Colo. Drake had leave of absence, and the question being put, it was determined *nem. con.* in the negative.

The question was then put, whether the messenger shall be despatched to require Colo. Drake's immediate attendance: determined in the negative, because Colo. Drake's presence in Westchester county, is absolutely necessary in order to inform the Committee of the measures which at the time of his departure the Convention had under consideration, for detecting and defeating conspiracies of the disaffected.

Monday Afternoon, *Septr. 23rd*, 1776.

The Committee met pursuant to adjournment.

Present—Brigadier-Genl. Ten Broeck, *Chairman.*
Mr. Bancker,* Mr, Duane*—*For New-York.*
Major Lockwood*—*Westchester.*
Mr. Ten Broeck,* Genl. Ten Broeck*—*Of Albany.*
Mr. Moore,* Mr. Harper, Mr. Veder—*Tryon.*
Mr. Platt, Mr. Sacket—*Of Dutchess.*
Mr. Duer,* Mr. Webster*—*Charlotte.*
Mr. Smith*, Mr. Little—*Of Orange.*
Mr. Sessions—*Cumberland.*

Those marked with an asterisk, are of the quorum of the Committee of Safety.

The memorial of Wm. Tredwell now detained at this place by order of the Convention, on the suspicion of

holding correspondence with the enemy, he having been on Long Island since the same has been in possession of the enemy, was read and filed.

Ordered, That the said memoral be referred to the committee appointed for detecting conspiracies, &c.

Mr. Duer, a member of the committee of correspondence and intelligence, informed the Committee of Safety that he has transmitted to His Excellency General Washington, copies of the resolution of the Convention, authorizing the secret committee to purchase, or impress, any number of vessels not exceeding six, to complete the obstructions of the navigation in Hudson's river, opposite to Fort Washington, and of the resolution requesting the superintendents of the frigates building at Poughkeepsie, to send down to Mount Washington all the short oak plank they can spare.

The letter from John Thomas, Junr. Esqr. chairman of the committee of safety for Westchester county, which was received in Convention on the 21st inst. relative to the indigent inhabitants of the city of New-York, who were sent into that county by a committee of the Convention for that purpose appointed, was read.

Ordered, That the Secretaries write a letter to Mr. Thomas, enclosing a copy of the resolutions of the Convention, on that subject, passed the 21st August last, and request of him that he cause report to be made of all the indigent persons which have been sent into that county, agreeable to the directions of the said resolutions, and that this Committee, or the Convention, will make provisions for defraying the expenses of supporting them.

Adjourned till to-morrow morning.

TUESDAY MORNING,

Sept. 24th, 1776.

The Committee met pursuant to adjournment.

PRESENT—Brigadier-Genl. Ten Broeck, *Chairman*.
Mr. Bancker,* Mr. Duane*—*New-York*.
Mr. Little, Mr. Jos. Smith*—*Orange*.
Major Webster*—*Charlotte*.
Mr. Ten Broeck,* Genl. Ten Broeck*—*Albany*.
Major Lockwood*—*Westchester*.
Mr. Sessions, Mr. Stephens—*Cumberland*.
Capt. Platt—*Dutchess*.
Mr. Moore,* Mr. Harper, Mr. Veder—*Tryon*.

Note.—Those marked with an asterisk are a quorum of the Committee of Safety.

There being no material business proper for the Committee to take up,

Adjourned till 4 o'clock this afternoon, unless the bell should be ordered to ring before that hour, in which case the members agree to give immediate attendance.

TUESDAY AFTERNOON, *Septr. 24th*, 1776.

The Committee met pursuant to adjournment.

PRESENT—General Ten Broeck,* *Chairman*.
Mr. Bancker*—*New-York*.
Mr. Platt—*Dutchess*.
Mr. Moore,* Mr. Harper—*Tryon*.
Genl. Ten Broeck,* Mr. Ten Broeck*—*Albany*.
Major Lockwood*—*Westchester*.
Mr. Duer,* Major Webster*—*Charlotte*.
Major Parks, Mr. Wisner—*Ulster*.
Mr. Little—*Orange*.
Mr. Sessions, Mr. Stephens—*Cumberland*.

Note.—Those marked with asterisks are a quorum of the Committee.

Thomas Creiger, commander of the schooner General Putnam, a vessel of war fitted out by, and belonging to this State, waited upon the Committee, and informed them that the said schooner is very much out of repair, and as the winter is approaching, submitted to the Committee whether it would be proper to keep the said schooner longer in service.

The Committee were of opinion that this matter be referred to the consideration of the Convention.

Capt. Cregier was called in, and directed to wait the meeting of the Convention.

A letter from Colo. Levi Pawling, dated the 23d instant, was read and filed.

The colonel complains much of the want of a surgeon to his regiment, and requests that Mr. Joseph Crane may be appointed to that office.

Ordered, That this letter be referred to the Convention at their first meeting.

Adjourned till to-morrow morning 9 o'clock.

WEDNESDAY MORNING,

Septr. 25th, 1776.

The Committee met pursuant to adjournment.

PRESENT—Brigadier-Genl. Abm. Ten Broeck, *Chairman*.
Mr. Duane,* Mr. Bancker,* Mr. Dunscomb—*New-York*.
Mr. Little, Mr. Josa. Smith*—*Orange*.
Genl. Ten Broeck,* Mr. Ten Broeck*—*Albany*.
Colo. Van Cortlandt, Major Lockwood,* Colo. Drake—*Westchester*.
Mr. Sessions, Mr. Stephens—*Cumberland*.
Mr. Sackett, Mr. Platt—*Dutchess*.
Mr. Moore,* Mr. Harper—*Tryon*.
Major Parks, Mr. Wisner, Junr.—*Ulster*.
Mr. Duer,* Major Webster*—*Charlotte*.
Those marked with an asterisk are a quorum of the Committee.

A letter from General Washington, dated at the Heights of Harlem, September 23d, containing a particular account of the manœuvres of the enemy on their landing on New-York island, and of the behaviour of our troops, who were stationed to oppose their landing, also an account of the skirmish when the enemy attacked the Heights at the north end of Harlem lane, and of the loss on both sides, was read and filed.

A letter from General Scott, to the committee of intelligence, was introduced by Mr. Duer and read. General Scott gives a particular account of the great fire which lately happened in New-York; and also of a little expedition to Montresor's island, in which our troops failed of success, and were obliged to retreat, with the loss of the brave Major Henly, killed, and several others wounded and missing.

A letter from Messrs. Clark and Nightingale, dated Providence, September the 16th, relative to two prizes, to wit: The brig Temple, from a whaling voyage, and a Bermudian sloop, both taken on the south side of Long island by the armed Continental sloops Schuyler and Miflin, and the armed sloop Montgomerie, fitted out by the State of New-York. A state of the case of the brig, drawn up by a lawyer, was also enclosed, were respectively read and filed.

Ordered, That the said letter be referred to the Convention on their first meeting.

A memorial of Cornelius Atherton, dated this day was read and filed.

He prays that he, with his men, may be exempted from military duty, that he may be enabled to fulfil his contract, entered into with the Representatives of this State, for manufacturing muskets. Referred to the Convention.

Adjourned to four o'clock this afternoon.

DIE MERCURII, 4 *ho. P. M. Septr. 25th*, 1776.

The Committee met pursuant to adjournment.

PRESENT—Abraham Ten Broeck, Esqr. *Chairman*.

Mr. Bancker, Mr. Jno. Ten Broeck, Colo. Van Cortlandt, Mr. Sackett, Mr. Wisner, Junr. Major Lockwood, Mr. Little, Mr. Moore, Mr. Wm. Harper.

No other members appearing, and no urgent business having offered, the Committee adjourned till nine o'clock to-morrow morning.

JOURNAL

OF THE

PROVINCIAL CONVENTION.

THURSDAY MORNING,
Septr. 26th, 1776.

The Convention met.

Present—Mr. Duane, Mr. Dunscomb, Mr. Bancker—*New-York.*
Major Lockwood, Colo. Van Cortlandt, Colo. Drake—*Westchester.*
Genl. Ten Broeck, Mr. Ten Broeck, Colo. Livingston—*Albany.*
Mr. Little, Mr. Jos. Smith—*Orange.*
Mr. Wisner, Junr. Major Park—*Ulster.*
Mr. Harper, Mr. Moore, Mr. Veder—*Tryon.*
Mr. Sacket, Capt. Platt—*Dutchess.*
Major Webster, Mr. Duer—*Charlotte.*
Mr. Sessions, Mr. Stephens—*Cumberland.*

The President, Abraham Yates, Junr. Esqr. with leave, being gone home to visit his family, the Convention proceeded to elect by ballot a President.

Colo. Peter R. Livingston was duly elected, and accordingly took the chair.

On motion of General Ten Broeck,

Resolved, That a Committee of Safety be immediately appointed, to consist of the President, with Mr. Duane, Mr. Duer, Colo. Van Cortlandt, Zephania Platt, Mr. Wm. Harper and Colo. Drake; that any three of those gentlemen with the President be a quorum; that every member of the Convention who may attend have a vote; that no member of Convention depart this neighbourhood without leave of the Committee of Safety; and that the said Committee have power and are hereby authorized to send for absent members of the Convention of this State.

Mr. Veder being so sick and indisposed that he is unable to sit or attend the Convention, and there not being members sufficient to continue the Convention without Mr. Veder's attendance; therefore the Convention from necessity adjourned till nine o'clock to-morrow morning. And

Ordered, That the Committee of Safety meet immediately.

JOURNAL

OF THE

COMMITTEE OF SAFETY.

THURSDAY AFTERNOON,
Septr. 26th, 1776.

The Committee of Safety met.

Present—Colo. PETER R. LIVINGSTON,* *Chairman.*

Mr. DUANE,* Mr. DUNSCOMB, Mr. BANCKER—*New-York.*

Major LOCKWOOD, Colo. VAN CORTLANDT,* Colo. DRAKE*—*Westchester.*

Genl. TEN BROECK, Mr. TEN BROECK, Colo. LIVINGSTON—*Albany.*

Mr. LITTLE, Mr. JOS. SMITH—*Orange.*

Mr. WISNER, Junr. Major PARKS—*Ulster.*

Mr. HARPER,* Mr. MOORE—*Tryon.*

Mr. SACKET, Capt. PLATT*—*Dutchess.*

Major WEBSTER, Mr. DUER*—*Charlotte.*

Mr. SESSIONS, Mr. STEPHENS—*Cumberland.*

Those marked with an asterisk are a quorum of the Committee.

A letter from Stephen De Lancey, Esqr. (now confined at Hartford) to States M. Dyckman, was read.

Mr. Dyckman being called in and examined says, that he knows the horses mentioned in Mr. De Lancey's letter; that they were kept on the farm of James De Lancey, Esqr. at Westchester; that one of them is a bay horse, about 15 hands high; the other likewise a bay horse, about 14 hands high; that about a week ago, he went to the farm of Mr. De Lancey and saw one of the horses, the large one; the other, the small one, he thinks perhaps may have been taken to Long island with the family. States M. Dyckman withdrew.

The Committee took the said letter and Dyckman's application for an order for the horses of Stephen De Lancey into consideration. After sometime spent therein, an order with recitals on that subject, being several times read, amended and moved for, is in the words following, to wit:

WHEREAS it has been represented in behalf of Stephen De Lancey, Esqr. now confined on his parol to the town of Hartford, in Connecticut, by order of the general committee of the county of Albany, that one of his horses has been taken, and is at present employed by persons in the Continental army; and it being highly expedient that care should be taken to prevent the destruction of the property of all persons who are removed from their usual places of residence, by the authority of this State:

Resolved, therefore, That States M. Dyckman (recommended for that purpose by Mr. De Lancey) be authorized to take the custody and charge of the said horse belonging to the said Stephen De Lancey. Provided always, that the said horse belonging to the said Stephen Delancey has not been impressed by proper authority for the service of the army; and that nothing in this resolve contained shall exempt the horses of the said Stephen Delancey from being impressed in common with those of other persons in this State.

Debates arose on the said proposed resolution, and the question being put thereon, the Committee were equally divided, vizt: nine for the affirmative, and nine for the negative. The Chairman then determined against the said proposed resolution, wherefore it was rejected.

A letter from Thomas Cregier, dated this day, was read. He therein gives a state of the vessel of war, the General Putnam, and her crew; that his men want their wages, and the vessel out of repair and unfit for the sea, and advises that she be laid up or sold.

Ordered, That the said representation be filed, and referred to the consideration of the Convention.

The memorial of John McCamley and of Orange county, setting forth the distresses of the inhabitants for want of salt, and that certain quantities of salt are stored in Orange county, was read.

A resolution of the committee of Dutches county, restraining the sale of the salt stored in Dutches county, was also read. They therein pray directions how the said salt may be most advantageously disposed of.

The resolution of the Continental Congress, directing the mode of the sales of salt, was also read.

Ordered, That the said papers, relating to the article of salt, be committed to Capt. Zeph. Platt, Mr. Dunscombe, Colo. Drake and Mr. Duane, hereby appointed a committee to report thereon.

Mr. Duer one of the members of the committee of correspondence, delivered in a letter from Tench Tilghman, Esqr. dated the 24th instant, which was read. He therein mentions His Excellency General Washington's satisfaction that the Convention should aid in obstructing the navigation of Hudson's river.

Ordered, That the said letter be made a part of the minutes of this Committee, the said letter follows, vizt:

"HEAD-QUARTERS, HARLEM HEIGHTS,
"24th Sept. 1776.

"DEAR SIR—I have this moment the honour of yours of the 22d instant, acquainting me that Mr. R. R. Livingston and yourself had been empowered by your committee of correspondence to employ some person about Head-Quarters to communicate daily, such interesting intelligence as may be expected to occur, at this critical time, and that you were anxious I should undertake this task. I feel myself highly honoured by this mark of distinction, and you may be assured I will exert myself to give you satisfaction in my office.

"His Excellency informs me that he wrote your Convention fully yesterday, and desires me to say that he has only to thank them for the attention they are paying to the obstruction of the North river, which he hopes will be rendered effectual by this intended additional obstruction above the chevaux-de-frise. We hear that our forces were obliged to abandon Powle's Hook yesterday evening; but as we have no particulars of the matter or manner, I must wait the return of Genl. Greene, who went down that way this morning to make himself fully informed. You shall hear more of it to-morrow. I beg you will let me know in your next, who is President of your committee of correspondence, as I suppose my letters, in my official capacity, are to be addressed to him. I shall till then address myself to you. You are pleased to call me Richard, but I have the honour and pleasure to be

"Yr. most obt.
"TENCH TILGHMAN.

"WILLIAM DUER, Esqr.
at Fishkill."

DIE JOVIS, 4 *ho. P. M. Septr. 26th*, 1776.

The Committee of Safety met pursuant to adjournment.

PRESENT—Colo. Peter R. Livingston, *Chairman*.
Mr. Dunscombe, Mr. Duane—*New-York*.
Colo. G. Drake, Major Lockwood—*Westchester*.
Mr. Sessions, Mr. Stevens—*Cumberland*.
Colo. Livingston, Genl. Ten Broeck, Mr. Jno. Ten Broeck—*Albany*.
Mr. Little, Mr. Jos. Smith—*Orange*.
Mr. Wisner, Junr. Major Parks—*Ulster*.
Mr. Wm. Harper, Mr. Moore—*Tryon*.
Mr. Sackett, Capt. Zeph. Platt—*Dutches*.
Major Webster, Mr. Duer, Colo. Williams—*Charlotte*.

A letter from Benjamin Dupuy, chairman of the committee of Mamacotting precinct in Ulster county, was read and filed, and is dated the 23d instant. The said chairman thereby informs that a vacancy of a military officer had arisen by Capt. De Witt's engaging the ranging service: that thereby the following gentlemen were duly promoted and elected, vizt: Abraham Cuddeback, Junr. captain; Robert Cock, first lieutenant; Samuel King, second lieutenant, and Samuel Dupuy, ensign.

Ordered, That the said commissions issue, and they were issued accordingly.

A letter or request of Joab Hoisington, was received and read, and is in the words following, to wit:

"To the Honourable NATHANIEL WOODHULL,
President of the Honourable Congress of the State of New-York:

Agreeable to the order of the Honourable the Congress, I have sent the muster-rolls of the several companies under my command by Elizur Andrews, the bearer, begging the favour of your forwarding the remainder of the bounty, rations and first month's wages, taking his receipt for the same.

"I am, sir, your humble servant,
"JOAB HOISINGTON.

"N. B. Please to remit my wages and rations, likewise as much of the ration as the Honourable Congress shall see fit—find it much easier to purchase supplies with cash."

A return of the commissioned officers of the four companies of rangers, commanded by Major Hoisington, signed by James Clay, chairman, was also read, and certain muster rolls of the said companies were also delivered in.

The Committee took the same into consideration; after some time spent therein, a motion was made and seconded that a sum sufficient to answer the purposes of Major Hoisington's request, be transmitted to him.

It was objected, that the committee of that county had, by their letter or declaration to this Convention, dated the 21st of June last, reserved, or pretended to reserve, to the people of that county a right of seceding from the government of this State; that the State has already been at great expense for that county; that further expenditures on their account ought not to be made, until the jurisdiction of this State is fully acknowledged by the inhabitants of that county.

After sundry debates on this subject, at the request of a member, Mr. Stevens, one of the Deputies from that county, was interrogated whether he, as a Representative of Cumberland county, acknowledges the jurisdiction of this State over the said county? Mr. Stevens declared that he does fully acknowledge the jurisdiction of this State over the said county.

The like question being asked of Mr. Sessions, he also answered in the affirmative, and declares he does, as a Representative of Cumberland, county fully acknowledge the jurisdiction of this State over the county of Cumberland and its inhabitants.

The further consideration of this subject was postponed till to-morrow. Adjourned.

FRIDAY MORNING,
September 27th, 1776.

The Committee of Safety met pursuant to adjournment.

PRESENT—Colo. Peter R. Livingston, the *Presidt. Chairman*.
Mr. Bancker, Mr. Dunscombe, Mr. Duane—*New-York members*.
Mr. Jos. Smith, Colo. Sherwood, Mr. Little—*Orange*.
Genl. Ten Broeck, Mr. Ten Broeck, Colo. Livingston—*Albany*.
Colo. Drake, Major Lockwood, Colo. Van Cortlandt—*Westchester*.
Mr. Wisner, Major Parks—*Ulster*.
Mr. Moore, Mr. Harper—*Tryon*.
Mr. Sacket, Mr. Platt, Major Schenk—*Dutches*.
Mr. Duer, Major Webster, Colo. Williams—*Charlotte*.
Mr. Sessions, Mr. Stevens—*Cumberland*.

Mr. Duer from the committee for establishing posts, and obtaining intelligence, introduced a letter from Tench Tilghman, Esquire, dated at Head-Quarters, Heights of Harlem, Septr. 25th, 1776, and directed to Mr. Duer; the same being read, it is

Ordered, That such part of the said letter as relates to General Washington's application for powder, be immediately transmitted by express to Henry Wisner, Junr. and John R. Livingston, Esquires, and that they be requested to forward all the powder which they have on hand to King's Bridge, with all despatch, and that they be empowered to apply to General James Clinton for a proper guard, to escort the said powder.

The part of Mr. Tilghman's letter above referred to, is as follows:

"His Excellency begs your board would immediately order down what powder is ready at Wisner's and Livingston's mills."

A letter from Brigadier-General Petrus Ten Broeck, enclosing the returns of the militia of his brigade in Dutchess county, (excepting the regiments of Colo. Brinckerhoff and Colo. Graham,) and a request that other field officers of the militia, may be commissioned in the place of those called into actual service.

Ordered, That the Secretaries write to the General and inform him that the returns sent by him are irregular, and

that he be requested to transmit to Convention a proper brigade return of the whole militia of Dutchess, that the Convention be enabled to judge of the remaining strength of the said militia.

Colo. Williams delivered in the return of his regiment of militia in Charlotte county, was put on the file.

Mr. Joshua H. Smith has leave of absence for three days. Mr. Duer dissents thereto.

A letter from David Mathews, dated at Litchfield the 25th of September, was read.

A copy of a letter from Capt. Moses Seymour to Governor Trumbull, dated Litchfield, on the 20th Septr. instant, relating to the conduct of David Mathews, was also read.

Ordered, That the said letters lie on the table for the perusal of the members.

John Campbell who was sent as a messenger to Abraham Lott, Esqr. late Treasurer of the Colony of New-York, with a certified copy of the resolutions of this Convention, relative to the public treasury, and his contempt in not having accounted pursuant to the order of the Provincial Congress of the 17th March last, delivered the following representation from Abraham Lott, Esqr. vizt:

"*To the Honourable Convention of the Representatives of the State of New-York.*

"GENTLEMEN—Yesterday evening I received by Mr. John Campbell your resolves and orders of the 17th instant, directing me to make answer in writing, why the order of the Provincial Congress of the 9th March last, relating to the delivery of my public accounts, has not been complied with.

"Permit me, gentlemen, to assure you that the omission has not proceeded from neglect of your authority, which I trust many of the Honourable Convention are well convinced of, but from the following causes:

"Shortly after I received the order of the 9th March, I had the misfortune to wound my left arm in the wrist in such a manner that I could not make any use of it for six weeks. When I got in part over this incapacity, I was attacked with the gout, which confined me six weeks longer at this place, and my books and accounts being in New-York, put it out of my power for three months to do any thing in the matter. After this I went to the city with intent to comply with this order, but the troubles increasing, and every body moving out of town, and advising me to do the same, as the fleet was arrived at Staten island, I packed up my books and papers in a hurry, and brought them here about a month ago from Newark, where they some time laid for want of a wagon to bring them up; since which the times have been so very distressing, that I have not had resolution to finish the assorting of my papers, and thus am not prepared to make out my accounts. These, and not contempt or neglect, are the true causes why the order of the 9th March, has not been complied with.

"However, to convince the Honourable Convention of my readiness to comply with its directions, will with all possible speed make out the accounts and attend them without delay, agreeable to the order of the 17th instant; though cannot exactly mention the day, as I have still a number of papers to assort. Permit me to add that no unnecessary procrastination shall happen, and that I am with respect,

"Your most obedient servant,
"ABRM. LOTT.

"*Beverwyck, Septr. 22d*, 1776.

"*P. S.* On reading the foregoing to Mr. Campbell, he was very desirous that I would limit the time of my attendance as near as possible: for the satisfaction of the Convention, do not think it will be less than a fortnight, but will come sooner if in my power."

Ordered, That the said letter be referred to the consideration of the Convention of this State.

Major Henry Schenck, one of the Deputies of Dutches county, came into the Committee, who with the other members before named were a sufficient number to form a Convention.

They therefore proceeded as a Convention. The Convention then took into consideration the application of Major Joab Hoisington from Cumberland county, for money for the bounty for the rangers, and paying their wages and subsistence.

The letter or application of Major Hoisington was read. The return of the officers of the company of rangers under the command of Major Hoisington, signed by James Clay, chairman of the committee of Cumberland county, was also read. The letter from Cumberland county committee of the 21st day of June last to this Committee, was also read.

Debates arose on the application from Major Hoisington, occasioned by the said letter of the 21st day of June last.

The following questions by order of the Convention were asked of the Deputies from Cumberland county, and their answers are here inserted, vizt:

Question. Were you elected by the people of the county at large, or by the sub-committees in the towns?

Answer, (by Mr. Sessions and Mr. Stevens.) We were elected by the people of the county at large.

Q. How is your county committee formed?

A. By two members sent from the committee of each town.

Q. Were those committees appointed or elected by the people of the county before or after your election as Deputies?

A. The committees were elected long before the late election for Deputies to represent that county.

Q. Have your county committee any power or authority from the people to give such instructions or directions, or to make such declarations or reservations as are contained in the said letter of the 21st of June.

Mr. Sessions in answer declares; that he is very confident that the sub-committees or committee in Cumberland county, had not any directions or instructions from the people or inhabitants of Cumberland county to give such instructions or directions as are contained in the said letter of the 21st of June, or to make such declarations or reservations as are therein mentioned. Mr. Stevens makes the like declaration, and says that the letter of the 21st June, was agreed to prevent any division in the county, as some few towns in the county were opposed to sending Deputies to Convention unless with such instructions. That he had not any particular instructions from the people of the town in which he resides, and believes the people of the other towns did not give any. That he conceives the credentials from the county give him full and unrestrained power in forming a government. That he conceives himself no further bound by those instructions than his vote, and then only in cases where the instructions are agreeable to his own judgment.

Mr. Sessions says he shall think it his duty to pay regard to his instructions so far as to lay them before the House, and obtain a compliance with them so far as they shall appear to be right and beneficial.

The Deputies from Cumberland county were then asked whether if on debate it should appear that a matter contained in or directed by those instructions would be injurious to the State, they would think themselves bound by those instructions? They respectively answered, by no means; that they did not think themselves bound by those instructions whenever they might work any injury to the State, or whenever they should be outvoted.

The Convention were informed that the committee to whom was referred the said letter of the 21st of June, to this Convention, have not made any report thereon, and that the greater part of the members appointed on that committee are now absent.

Ordered, That the said letter of the 21st of June last, and the application of Major Joab Hoisington for money to pay and subsist the companies of rangers mentioned in the returns thereof, by him made with the said returns, be committed to a committee.

Ordered, That Mr. Duer, Mr. Duane and Mr. Zephania Platt, together with Mr. Sessions and Colo. Stevens, be a committee for that purpose; and that they report such facts relating to this matter, and what will in their opinion be most eligible to be done in the premises, with all convenient speed.

Resolved and Ordered, That the committee appointed on the twenty-first instant "for the *express* purpose of enquiring into, detecting and defeating all conspiracies which may be formed in the State against the liberties of America," be and hereby are authorized and empowered at their discretion, to place guards at such place or places as they may think proper, for apprehending deserters from the American army; and for detecting and defeating all conspiracies which are or may be formed in this State against the liberties of America; and to give such instructions to those guards as the said committee may think necessary for those purposes.

Major Schenck produced to the Convention an account of Walter Hyer, for services done as a cooper in securing and preserving a quantity of oil said to belong to the Continent, and now in store at Fishkill Landing, which is as follows, vizt:

"The State of New-York,

1776. "To Walter Hyer, Dr.

Septr. 14, To trimming 36 tierces of Spermaceti oil, the property of Contl. Congress, on board of the sloop Capt. Cook,.... £2 12*s* 0*d*

Ordered, That Peter Van Brugh Livingston, Esqr. pay the above account to Henry Schenk, Esqr. for the use of Walter Hyer, and charge the same to account of the Continent.

Resolved, That a Committee of Safety be and hereby are appointed to act until a meeting of this Convention, to consist of the President, with Mr. Duane, Mr. Duer, Colo. Van Cortlandt, Mr. Zephania Platt, Mr. Wm. Harper and Colo. Drake; that any three of those gentlemen, with the President, be a quorum; that every member of the Convention who may attend, have a vote; that no member of Convention depart this neighbourhood without leave of the Committee of Safety; and that the said Committee have power, and are hereby authorized to send for absent members of the Convention of this State.

DIE VENERIS, 4 *ho. P. M. Septr.* 27*th*, 1776.

The Committee of Safety met pursuant to adjournment.

PRESENT—Colo. Peter R. Livingston, *Chairman.*

Mr. Duane,* Mr. Dunscomb, Mr. Bancker—*New-York.*

Colo. Van Cortlandt,* Colo. Drake, Major Lockwood—*Westchester.*

Genl. Ten Broeck, John Ten Broeck, Colo. P. R. Livingiton*—*Albany.*

Mr. Little, Doctr. Sherwood—*Orange.*

Major Park, Mr. Wisner, Junr.—*Ulster.*

Mr. Wm. Harper,* Mr. Moore—*Tryon.*

Mr. Sackett, Mr. Platt*—*Dutches.*

Mr. Sessions, Mr. Stevens—*Cumberland.*

Lieutenant Brett informed the Convention that sundry prisoners are in the guard house, in custody of the guard at this place, under his command. Some of them detained as suspicious persons, travelling without any certificates or passes; and others for reasons which were particularly assigned to the Convention.

The said prisoners being severally brought in and examined,

Ordered, That Michael O'Farrell and Richard Gazat be respectively confined in the said guard house till further order of this Convention, or their Committee of Safety, there being great reason to believe, from the imperfect accounts given of themselves respectively, and particularly from the many contradictions in the account given by the said Richard Gazatt, that they are deserters from the American army.

The other prisoners were respectively discharged.

JOURNAL

OF THE

PROVINCIAL CONVENTION.

SATURDAY MORNING,

September 28th, 1776.

The Convention met.

Present—Colo. PETER R. LIVINGSTON, *President.*

Mr. DUNSCOMB, Mr. BANCKER, Mr. DUANE, MR. HARPER, Mr. JAY —*For New-York.*

Mr. WISNER, Dr. SHERWOOD, Mr. LITTLE—*For Orange.*

Mr. MOORE, Mr. HARPER—*Tryon.*

Genl. TEN BROECK, Mr. TEN BROECK, Mr. GANSEVOORT, Mr. CUYLER, Colo. LIVINGSTON—*For Albany.*

Mr. PLATT, Mr. SACKETT, Mr. GIL. LIVINGSTON—*For Dutchess.*

Mr. WEBSTER, Colo. WILLIAMS, Mr. DUER—*Charlotte.*

Major PARKS, Mr. CONTINE, Mr. WISNER—*For Ulster.*

Major LOCKWOOD, Colo. DRAKE, Mr. TOMKINS, Colo. VAN CORTLANDT—*For Westchester.*

Mr. SESSIONS, Mr. STEPHENS—*Cumberland.*

General Ten Broeck and Mr. John Ten Broeck, have leave of absence for one month. Mr. Duane dissents.

Mr. Wisner, Junr. has leave of absence for a fortnight, that he may be enabled to execute the order of the Committee of Safety of yesterday, for forwarding the powder from his mill to King's Bridge, agreeable to the General's request.

Resolved, That the committee appointed to prepare a form of government for this State, do report the same to the House on or before the 12th day of October next, and that the said committee may no longer be detained from that important business,

Ordered, That the said committee sit every afternoon till they shall be ready to report.

A letter from John Sloss Hobart, Esqr. directed to the Convention, dated at Head-Quarters, on the 26th instant, was read and filed. He therein informs that General Washington has ordered Lieut. Colo. Livingston to repair to the forts in the Highlands with his detachment; that he, Mr. Hobart, is concerting measures for the release of Genl. Woodhull; that he has not heard of the committee of safety below the Highlands; that the enemy are throwing up works to annoy our advanced posts; that he wrote a letter to Convention yesterday, by Capt. Rogers, and requests an answer.

The letter from Mr. Hobart of the 25th instant, being brought in, was read.

He therein informs, that in obedience to the order of Convention, he had called at the forts in the Highlands and found things in as good a state as could be expected, considering the number of men in garrison; that he had mentioned to General Washington the necessity of a reinforcement from the army to those forts, and that the General said it was impossible; that he had shewn the resolution of Convention for procuring an exchange for General Woodhull to his Excellency Genl. Washington; that it is very doubtful how it can be effected; that the Canada prisoners are at the Hook, and are to be set on shore on their parol. He therein farther gives an account of the conflagration of the city—requests to know by Capt. Rogers whether the sloop of war Montgomery will be sold, and directions how to dispose of one hundred and twenty pounds of public money which he left lately at Fairfield.

Captain Rogers being called in and examined, as to the condition of the sloop Montgomery, says, that the vessel is in good repair; that she wants nothing but provisions and a little gunpowder; that one of the prizes which he formerly took, to wit, a small Bermuda sloop, is at Rhode Island, as he hopes, by this time, condemned; that she had also on board some sails and rigging, taken from the other vessels of which he made captures; that he brought off a few things in a boat from Huntington, at the time he took Isaac Ketcham and Samuel Skidmore; that the latter was a person who had taken possession of a farm of a brother of Capt. Zeph. Platt; that he came to the Convention to request their directions how to dispose of the vessel, the Montgomery.

Resolved, That the vessel of war, the Montgomery, be continued in the service of this State.

That Mr. Harper, Mr. Bancker and Mr. Zeph. Platt, be a committee to give such instructions to Capt. Rogers as they shall think proper, to enable him to proceed on a cruise with all possible expedition; and also that the said committee give such directions to Capt. Rogers relative to any prizes, or prize goods, remaining on Nassau island, as they shall think proper.

Ordered, That Mr. Jay be added to the committee ap-

pointed yesterday morning to report on the application of Major Hoisington for money for the use of the rangers, and the other matters therewith committed.

A short letter, dated the 27th instant, from Thos. Cregier, of the armed schooner Putnam, was read.

Ordered, That the late representation of the state of that vessel made by Capt. Cregier, the letter from his lieutenant, the memorial of the artificers of the said vessel, and Capt. Cregier's present letter, be committed to Mr. Gansevoort, Mr. Tompkins and Mr. Dunscombe, and that they report thereon with all convenient speed.

A letter from Genl. James Clinton, was read, and is as follows, to wit:

"*Fort Constitution, Septr. 27th*, 1776.

"GENTLEMEN—Col. Snyder has just come down with three companies of his regiment, and more is daily expected. The enclosed is a letter for Mr. Schenk, urging him to forward the materials he was ordered to provide for these forts. I have wrote to him for 500 wt. more of iron, and about 200 shingle lath, if they can be sent down immediately, with the 20 hogsheads of lime. We have two barracks raised, one at this fort and the other near Fort Montgomery, but we can't do much to them for want of those materials, &c. I have received nails from the Quarter-Master-General, I believe what will be sufficient. I am at a loss to know what to do with the troops for want of barrack room, unless I detain the sloops that brought them down a few days; but if I get these necessaries to go on with the work, we will soon have room enough. I have two prisoners here, that were sent down from New-Windsor on suspicion of buying butter and flour for the Ministerial army; I will soon send you the particulars.

"I am, gentlemen,

"Your most humble servt.

"JAMES CLINTON, *B. Genl.*

"Please to forward the enclosed to Mr. Schenk, after you have opened it, if you think proper."

The said letter of General Clinton was immediately taken into consideration; and thereupon,

Ordered, That John Schenk, Esqr. be and he hereby is directed to procure and forward to Fort Constitution, with the utmost despatch, five hundred weight more of iron, and about 200 shingle lath, together with the twenty hogsheads of lime heretofore ordered to be sent thither.

A letter from Robert Yates, Esqr. chairman of the secret committee for obstructing the navigation of Hudson's river, was received and read, and is as follows, to wit:

"*Poughkeepsie, Wedy. 25th Septr.* 1776.

"SIR—We have obtained 2 sloops, 2 brigs, and 2 large ships, for the purpose of obstructing the channel of Fort Washington; one of the sloops, the Clinton, heretofore purchased by the committee, we found here, the other we have ordered from Fort Montgomery; the two brigs are here also, one of which belongs to Malcom, Kip and Lott, the other is a New-England vessel, about 120 tons burthen, loaded with wheat, staves, and a considerable quantity of inch boards; the wheat and staves we have ordered to be stored, but send down the boards for public use. The ships are in Esopus creek, owners Messrs. Franklin; they are two very fine vessels, in the building of which much extraordinary pains have been taken, both as to timber and workmanship. On our going there, we ordered them to be hauled out, and expect they will proceed to Fort Washington this day. The two sloops, the Clinton and that from Fort Montgomery, we think are almost arrived by this time, as the Clinton sailed yesterday with a fair wind, and the other must have proceeded from the fort shortly after the Clinton's arrival there; and as to the brigs, we shall be able to despatch them to-day also. The Camden, Capt. Castle, with near 2,000 feet plank, and Capt. Donaldson with upwards of 6,000 do. sailed yesterday also. The ships and brigs aforesaid, we are to have appraised by the time they are ready to set off from here, and we imagine the ships will run very high. Our stock of money is very low, and our contracts far exceeding the sum we were furnished with; the demands on this committee are frequent and urgent. Upon these considerations we hope the Convention will, by some means or other, furnish us with a further supply.

"We are, sir, your humble servants,

"By order of the committee,

"ROBT. YATES, *Chairm.*"

A letter from Mr. Samuel Tudor, one of the agents superintending the building of the Continental frigates at Poughkeepsie, was read, and is as follows, vizt:

"GENTLEMEN—Enclosed I send you General Schuyler's two letters of 23d and 25th inst. with an order for more cordage; I am, on my own part, extremely anxious to serve, to the best of my abilities, each department, wherein the defence of our country is aimed at; but having this day received a letter from Mr. Van Zandt, (one of the commissioners for building the ships,) wherein he expresses his disapprobation of my sparing any of the materials belonging to the ships, without an express order from Congress or the commissioners. If I have hitherto erred, it is in judgment only, and with the advice of your Honourable House. This second demand from Genl. Schuyler coming to hand unexpectedly, and immediately after the receipt of Mr. Van Zandt's letter, has put me to a stand. An indemnification, or letter of approbation, from Congress, for our former proceedings, which you promissed to procure for us, I believe is the reason of the commissioners disapproving our going further, (as that has not yet appeared either to them or us); if you have procured it, pray send it, as also your most candid advice to me in the premises.

"I am, gentlemen,

"Your most obedient humble servant,

"SAML. TUDER.

"*Poughkeepsie, 27th Sept.* 1776.

"Convention of the State of New-York."

Two letters from General Schuyler, signed by , the one bearing date on the 23rd, and the other on the 25th instant, directed respectively to the superintendents of the Continental ships now building at Poughkeepsie, were read.

The General thereby applies to the superintendents for rigging out of the Continental stores at Poughkeepsie, to fit out some row gallies on Lake Champlain.

A list of the stores wanted for the said row gallies, was also enclosed in the said letters, which was likewise read.

A letter from Robert Yates and Gilbert Livingston, Esqrs. two of the committee for obstructing the navigation of Hudson's river, was received and read, and hereafter follows, vizt:

"*Poughkeepsie, Septr. 27th*, 1776.

"SIR—The bearer hereof, Capt. John Hun, is come down with three batteaux from Genl. Schuyler, for cordage; Capt. Tuder, to whom he is directed, informs us that he cannot spare the quantity the General requires.

"Out of one of the new ships belonging to Franklin, we have taken all the new cordage and stored it with Capt. Schenk. We acquaint you with this circumstance, that in case the Convention should judge it necessary, they may give directions to complete the remainder of the General's orders out of this store.

"We are, sir,

"Your humble sert.

"ROBT. YATES,

"GILBERT LIVINGSTON.

"Capt. Schenk has the charge of the cordage, and if any orders are given they ought to be directed to him."

Ordered, That the said letters from Genl. Schuyler, and inventory of rigging wanted, the said letter of Capt. Samuel Tudor received this day, and the letter from Messrs. Yates and Livingston of the 27th instant, be committed to Mr. Gansevoort, Mr. Duane and Mr. Cuyler, and

that they report thereon with all convenient speed, and have leave to withdraw for that purpose.

The Convention were informed that Colo. Humphreys of Dutches county, who is attending, alleges that it is impracticable for him to raise the proportion of the last levies ordered to be detached from the militia of this county, which ought to be detached from his regiment.

Colo. Humphrey called in, says that he understands that the order for raising men is, that they be raised voluntarily; but if otherwise, 'tis his opinion that there are so many disaffected that they cannot be drafted. That the disaffected discourage others by saying that as Long island and New-York are taken, the enemy will take the forts in the Highlands, and that those taken in them will be hanged; that Capt. Johs. V. Duerson says his whole [company] except his lieutenant and himself are tories.

Colo. Humphreys withdrew.

WHEREAS twenty days have elapsed since a resolution of this House was passed for a detachment of men of the militia of Duchess county to reinforce the garrisons in the Highlands. AND WHEREAS the said detachment hath not yet been raised, and Colo. Humphreys hath represented to this Convention that great difficulties hath arisen in attempting to raise the same,

Resolved, That the committee of the county of Dutchess be authorized and requested to provide that the said detachment be immediately raised; and for that purpose, that they consult with, and afford General Ten Broeck their advice, aid and influence.

Ordered, That a copy hereof, and a copy of the resolutions for raising the said detachment, be immediately sent to the chairman of the committee of Dutches county.

The committee to whom were referred the letters from Genl. Schuyler, Mr. Samuel Tudor, Messrs. Yates and Livingston, brought in their report, which being read and adopted, the Convention came to the following determination on those letters, vizt:

WHEREAS Major-General Schuyler, by letters from his secretary of the 23d and 25th instant, directed to the superintendents of the Continental ships which are now building at Poughkeepsie, has applied for cordage and rigging out of the Continental stores there, for fitting out row gallies on Lake Champlain: AND WHEREAS Mr. Samuel Tudor, one of the said superintendents, by letter of the 27th instant, has requested the advice of this Convention respecting a compliance with the said application, and there being a quantity of rigging in store at Fishkill Landing, and likewise in the store of Mr. John Schenk of Poughkeepsie, which was taken from vessels employed in obstructing the navigation of Hudson's river,

Resolved, therefore, That such of the articles as General Schuyler has applied for, which are in store at Fishkill Landing, and in Mr. John Schenk's store at Poughkeepsie shall be delivered to Capt. Hunn, being first appraised by three indifferent and skilful persons, and that it is the opinion of this Convention that such of the articles as shall not be found in the said stores ought immediately to be supplied by the superintendents out of the Continental stores at Poughkeepsie; it appearing to this Convention that the completing the naval armament for the protection and security of Lake Champlain, is an object of the greatest moment to the United States, and will not admit of delay.

Resolved, That this Convention will make a proper representation to the Congress of the United States of the reasons which have induced them to advise the superintendents to deliver such Continental stores on Major-General Schuyler's requisition, and that this Convention will indemnify the said superintendents for their compliance with these resolutions.

On motion of Mr. Jay,

Ordered, That the Secretaries employ Mr. Abraham W. De Peyster, at the rate of one dollar per day, to transcribe the journals of the former Congresses of the Colony, and of the Convention of the State of New-York.

Resolved, That the President of the Convention for the time being, and Mr. Robert Harper, be a committee to superintend the engrossing the Journals of the former Congresses of the Colony, and of the Convention of the State of New-York.

Major Lockwood has leave of absence till next Wednesday evening.

Ordered, That Mr. Duane be added to the committee for forming a plan of government; and

Resolved, That the chairman of the said committee, with any four of the members, be a quorum.

The committee appointed to take into consideration the several applications delivered on the 25th inst. relative to the sale of salt, delivered in their report, which was read, and

Ordered To be recommitted, and that Mr. William Harper and Mr. Gansevoort be added to the committee.

Resolved, That the last Committee of Safety be revived and that it consist of the same members, and with the same powers, and to continue until the next meeting of a quorum of the Convention.

SUNDAY MORNING,

Fishkill, September 29th, 1776.

The President and several of the members met pursuant to adjournment. No very urgent business offering, they adjourned till to-morrow morning at 9 o'clock.

MONDAY MORNING,

September 30th, 1776.

The Convention met pursuant to adjournment.

PRESENT—Colo. Peter R. Livingston, *Presidt.*

Mr. Bancker, Mr. Harper, Mr. Dunscomb, Colo. Jay, Mr. Duane—*For New-York.*

Colo. Van Cortlandt, Colo. Drake, Mr. Tomkins—*For Westchester.*

Mr. Cuyler, Mr. Robt. Yates, Mr. Gansevoort, Colo. Livingston—*For Albany.*

Colo. Sherwood—*For Orange.*

Mr. Harper, Mr. Moore, Mr. Newkerk—*For Tryon.*

Colo. De Witt, Mr. Contine, Major Parks—*For Ulster.*

Major Webster, Colo. Williams, Mr. Duer—*For Charlotte.*

Mr. G. Livingston, Mr. Sackett, Mr. Schenk—*For Dutches.*

Mr. Sessions, Mr. Stephens—*For Cumberland.*

A letter from General Mifflin, directed to Captain Benjamin Ayres, was read, and is in the words following, vizt:

"*Mount Washington, Septr. 28th*, 1776.

"DR. SIR—Colonel Moylan having resigned the quarter-master-general's department, and the General having requested me to act in his place until the pleasure of Congress is known, I earnestly desire you to go immediately to the Fish Kilns, and there wait on the President of the New-York Convention; entreat him in my name to give you every assistance in his power in the procuring boards of 1 inch, and 1½ inch, for the use of the army here, who are now suffering much for want of them.

"We are in want of a much greater quantity of boards than I fear can be obtained this fall from this Colony, I therefore do not now limit your contract.

"If you see Mr. Duer, tell him I have seen his letter to Colo. Moylan. If he will undertake the business, and can promise his attendance to it, you will have little to do. If he requires your attendance in the Highlands, take his orders and execute them with your usual zeal and activity; at any rate procure boards of 1 inch, which are much wanted; 10 M. of 1½ inch, for platforms; 10 M. 2½ inch boards should be had immediately if possible. I propose to go to Philadelphia this day, and to return in one week.

Any orders drawn by you, (or Mr. Duer,) on account of boards and plank, will be honoured.

"I am, sir, your hum. and d. servant,

"THOS. MIFFLIN, *Q. M. G.*

"Capt. BENJAMIN AYRES."

Capt. Ayres was called in, and he gave the Convention further information on the subject matter of the said letter. Thereupon it was

Resolved and Ordered, That Capt. John Schenk be, and he hereby is, directed to purchase and forward down to Spytden Duyvel creek, with the utmost despatch, one hundred hogsheads of lime; as many hard and soft bricks as he can procure, (not exceeding four hundred thousand,) any number of shingles not exceeding one hundred thousand, and ten thousand shingle lath; that in case Capt. Schenk cannot procure those articles with the consent of the owners thereof, that he be authorized to impress them, paying a reasonable price for the same; also vessels, teams, wagons, horses and men, for the purpose of conveying them speedily, it being of the utmost importance to the preservation of the army, and the general cause of America that those articles should be procured with the utmost expedition.

Ordered further, That Capt. Schenk be directed to procure at the most reasonable rate he can, ten thousand feet of two and a half inch oak plank, and forward the same to Spytden Duyvel creek, and that Capt. Schenk draw on Capt. Benjamin Ayres, at Fish Kills, for such money as he may require in purchasing and procuring the above mentioned articles.

Captain Ayres farther informed the Convention that he is directed by the Quarter-Master-General to procure large supplies of grain and cord wood for the use of the army, and requests the aid of the Convention in the despatch of this most necessary business. Thereupon, it was

Ordered, That Mr. Dirck Jansen, of the Manor Livingston, be authorized and requested to purchase and send down to Spytden Duyvel creek with the utmost despatch, to Brigadier-General Mifflin, Quarter-Master-General to the American army, 3,000 bushels of oats, 4,000 bushels of old corn, and 1,000 bushels of rye, at the most reasonable rate, not exceeding 4*s*. per bushel for oats, and 5*s*. for old corn and rye, and that he draw on Capt. Benjamin Ayres, at Fish Kill, for payment of the same. And,

Ordered, That the following persons whose names are hereunder mentioned, be respectively authorized and requested to purchase and send down to Spytden Duyvel creek, with the utmost despatch, for the use of the American army, as much cord wood as they may be able respectively to obtain, and at the most reasonable rate, not exceeding 24*s*. pr. cord for oak, and 32 pr. cord for nut wood; and that on the delivery of any quantity of the said wood there to Brigadier-Genl. Mifflin, or his order, they apply to him for payment, to wit:

John Teller, in Dutchess county; Abm. Danielson, at New-Marlborough; James Jackson, at New-Windsor; Isaac Belknap, at Newburgh; Lewis Clark, at Newburgh; Nichs. Brewer, Junr. at Wapping Hill; Arie Smith, near Naiack; Corns. Jansen, at Esopus Landing; and Jas. Wells, Cocksakie.

On motion of Colo. Dewit,

Resolved, That a committee be appointed to take into consideration the abuses committed in withholding of tea by the owners or agents thereof, within this State, and also in the sale thereof at higher prices than that limited by Congress, and that they report thereon without delay; and that Colo. Dewit, Mr. Gilbert Livingston, Mr. Robt. Harper, Mr. Bancker and Mr. Contine be the committee.

Ordered, That Major Henry Schenk be, and hereby is, empowered to take charge of the children of Isaac Teller, deceased, to place such of the said children as he may think proper at board until further order.

Ordered, That the committee of Rhumbout precinct endeavour to make such provision for, or give such assistance at the public expense, to Vincent Carter's family, as to prevent their perishing by cold or hunger.

Resolved, That the Committee of Safety appointed on the 27th instant, to continue until a meeting of the Convention, and which was revived on the 28th instant, consisting of the same members, and with the same powers and regulations, be again revived, to continue until a meeting of this Convention, with the same powers and regulations, and to consist of the same members.

A letter from the Honourable the Delegates for the State of New-York at Continental Congress, was received and read, and is as follows:

"*Phila. 24th Sept.* 1776.

"GENTLEMEN.—We received your letter of the 9th Sept. with sundry inclosures, which were laid before Congress, who have come to several resolutions, a copy of which we send here inclosed, you will see that 3 tons of powder was directed to be delivered at New-Windsor, to be sent to the forts, but that will not be done as the wagons with the 15 tons referred to in the resolution, went by way of Minisink; the five tons we shall forward immediately. We obtained an order from Congress for 6,700 dollars, to be laid out in arms for your State, which we shall purchase when we have an opportunity, none are now to be had here, but parcels frequently arrive; if you should have occasion for the money for a more pressing purpose you will please to acquaint us. We wrote you the 30th Augt. which we hope came to hand. The encouragement now given by Congress will, we hope, enable you to raise 4 complete battalions as speedily as possible, we refer you to the President's letter on that head; 4 battalions is all that is required of New-York, including those already raised. Enclosed are sundry newspapers, we could wish to hear from you at least once a week, which seems to be more necessary now than ever.

"Brookland on Long island is burnt as well as the city of New-York, without doubt on purpose. This account we have from Mr. Blanchard of Elizth. Town.

"We are, gent. your most obedt. servants,

"PHIL. LIVINGSTON,
"WM. FLOYD,
"LEWIS MORRIS."

Sundry resolutions of Congress referred to and inclosed in the said letter were also read, and are as follows:

"IN CONGRESS, *Septr. 23rd*, 1776.

"*Resolved*, That the German battalion be ordered immediately to join the army under General Washington, and that the President inform his Excellency of their march, and desire that he will order an equal number of men from his army to garrison the forts on the Highlands.

"That Mr. J. Mease be directed to supply the German battalion with such articles of clothing as they may stand in need of, the same to be charged to their account, and deducted out of the pay of the men.

"That three tons of the fifteen tons of powder lately ordered to the northern army, and now on its way thither, be left at New Windsor, in the State of New-York, and from thence conveyed to Fort Montgomery, and that five tons be immediately sent from the city of Philadelphia.

"That two companies of the marines lately raised and now in Philadelphia, be ordered to march immediately for Fort Montgomery.

"That application be made to the Council of Safety of the State of Pennsylvania, to order one-half of the artillery men now in the service of their State, to proceed to Fort Montgomery as soon as possible.

"That Congress approve the measures adopted by the Convention of New-York, for the defence of the Highlands, and will carefully defray all the necessary expenses which may accrue.

"By order of Congress.

"JOHN HANCOCK, *Presidt.*"

"*In Congress, Sep. 20th,* 1776.

"*Resolved,* That the sum of 6,700 dollars be advanced to the Delegates of New-York, for the use of that State, the said State to be accountable.

"Extract from the minutes.

"CHAS. THOMPSON, *Secy.*"

A letter from the Honble. John Hancock, President of the Continental Congress, inclosing sundry resolutions, was received and read, and is as follows:

"*Philadelphia, Septemr.* 24*th,* 1776.

"GENTLEMEN—You will perceive by the inclosed resolve which I have the honour to forward to you in obedience to the commands of Congress, that they have come to a determination to augment our army, and to engage the troops to serve during the continuance of the war, as an inducement to enlist on these terms, the Congress have agreed to give besides a bounty of twenty dollars, a hundred acres of land to each soldier; and in case he should fall in battle, they have resolved that his children or other representatives shall succeed to such lands.

"The many ill consequences arising from a short and limited enlistment of troops are too obvious to mention. In general give me leave to observe that to make men well acquainted with the duties of a soldier requires time, and to bring them under proper subordination and discipline, not only requires time, but has always been a work of much difficulty. We have had frequent experience, that men of a few days standing will not look forward, but as the time of their discharge approaches grow careless of their arms, ammunition, &c. and impatient of all restraint. The consequence of which is the latter part of the time for which the soldier was engaged is spent in undoing what the greatest pains had been taken to inculcate at first; need I add to this that the fall of the late General Montgomery, before Quebeck is undoubtedly to be ascribed to the limited time for which the troops were engaged, whose impatience to return home compelled him to make the attack contrary to the conviction of his own judgment. This fact alone furnishes a striking argument of the danger and impropriety of sending troops into the field under any restriction as to the time of their enlistment.

The noblest enterprise may be left unfinished by troops in such a predicament, or abandoned at the very moment success must have crowned the attempt.

"The heavy and enormous expense consequent upon calling forth the militia, the delay attending their motions, and the difficulty of keeping them in camp, render it extremely improper to place our whole dependence on them. Experience hath uniformly convinced us of this, some of the militia having actually deserted the camp at the very moment their services were most wanted. In the mean time the strength of the British army, which is great, is rendered much more formidable by the superior order and regularity which prevail in it.

Under these circumstances, and in this situation of our affairs, it is evident that the only means left us of our preserving our liberties, is the measure the Congress have now adopted, and which I am ordered most earnestly to recommend to you to carry into immediate effect. Without a well disciplined army, we can never expect success against veteran troops; and it is totally impossible we should ever have a well disciplined army, unless our troops are engaged to serve during the war.

"To attain, therefore, this most desirable end, I am to request you will at once, and without a moment's delay, bend all your attention to raise your quota of the American army; the times call for the greatest despatch and vigour of conduct. When the bloody standard of tyranny is erected in a land of liberty, no good man, no friend of his country, can possibly remain an inactive spectator of her fall. Display, therefore, I most ardently entreat you, that virtue which alone can save her on this occasion. Let us convince our enemies, that as we entered into the present contest to defend our liberties, so we are resolved, with the firmest reliance on Heaven for the justice of our cause, never to relinquish it, but rather perish in the ruins of it. If we do but remain firm; if we are undismayed at the little shocks of fortune, and are determined at all hazards that we will be free, I am persuaded, under the gracious smiles of Providence, assisted by our own most strenuous endeavours, we shall finally succeed agreeable to our wishes, and thereby establish the independence, the happiness and the glory of the United States of America.

"As the troops now in service belonging to the several States, will be considered as a part of their quota in the American army, you will please to take such steps as you judge necessary to ascertain what number of troops, as well as what officers, will engage to serve during the war. I send by this express blank commissions, to be filled with such as you shall please to appoint. I also forward a number of the rules and articles of war, as altered by Congress and just published.

"I have the honour to be,

"Gentlemen, your most obedient,

"And very humble servant,

"JOHN HANCOCK, *Presidt.*

"Honble. Convention of the
State of N. York."

The resolutions referred to, and enclosed in the aforegoing letter, are as follows:

"IN CONGRESS, *September* 16*th,* 1776.

"*Resolved,* That eighty-eight battalions be enlisted as soon as possible, to serve during the present war, and that each State furnish their respective quotas in the following proportions, vizt:

"New-Hampshire,	3	battalions.
"Massachusetts Bay,	15	do
"Rhode-Island,	2	do
"Connecticut,	8	do
"New-York,	4	do
"New-Jersey,	4	do
"Pennsylvania,	12	do
"Delaware,	1	do
"Maryland,	8	do
"Virginia,	15	do
"North Carolina,	9	do
"South Carolina,	6	do
"Georgia,	1	do

"That twenty dollars be given as a bounty to each non-commissioned officer and private soldier who shall enlist to serve during the present war, unless sooner discharged by Congress.

"That Congress make provision for granting lands in the following proportion, to the officers and soldiers who shall so engage in the service and continue therein to the close of the war, or until discharged by Congress, and to the representatives of such officers and soldiers as shall be slain by the enemy. Such lands to be provided by the United States; and whatever expense shall be necessary to procure such land, the said expense shall be paid and borne by the States, in the same proportion as the other expenses of the war, vizt:

"To a colonel,	500	acres.
a lieutenant colonel,	450	do
a major,	400	do
a captain,	300	do
a lieutenant,	200	do
an ensign,	150	do
each non-commissioned officer & soldier,	100	do

"That the appointment of all officers and filling up vacancies (except general officers) be left to the governments of the several States, and that every State provide arms, clothing and every necessary for its quota of troops, according to the foregoing estimate, the expense of the clothing to be deducted from the pay of the soldiers as usual.

"That all officers be commissioned by Congress.

"That it be recommended to the several States that they take the most speedy and effectual measures for enlisting their several quotas; that the money to be given for bounties be paid by the paymaster in the department where the soldier shall enlist.

"That each soldier receive pay and subsistence from the time of their enlistment.

"*September 18th*, 1776.

"*Resolved*, That if rations be received by the officers or privates in the Continental army, in money, they be paid at the rate of eight-nineteenth parts of a dollar per ration.

"That the bounty and grants of land offered by Congress, by a resolution of the 16th instant, as an encouragement to the officers and soldiers to engage to serve in the army of the United States during the war, shall extend to all who are or shall be enlisted for that term; the bounty of ten dollars which any of the soldiers have received from the Continent, on account of a former enlistment, to be reckoned in part payment of the twenty dollars offered by said resolution.

"That no officer in the Continental army is allowed to hold more than one commission, or to receive pay but in one capacity.

"*September 19th*, 1776.

"That the adjutants of regiments in the Continental army be allowed the pay and rations of captains, and have the rank of first lieutenants.

"In order to prevent the officers and soldiers who shall be entitled to the lands hereafter to be granted by the resolution of Congress of the 16th, from disposing of the same during the war,

"*Resolved*, That this Congress will not grant lands to any person or persons claiming under the assignment of an officer or soldier.

"By order of the Congress.
"JOHN HANCOCK, *President*."

"*Philadelphia, Septr. 24th*, 1776.

"SIR—I had the honour to receive your letter accompanying the resolve of Congress relative to my return to resume the command of my brigade. At a time when the State to which I belong is invaded, and particularly as I am honoured with a military command, I esteem it my duty to account for my absence.

"Since my arrival at Philadelphia, the State of New-York has had no more than a representation in Congress, and as the gentlemen of the committee for Indian affairs were mostly out of town, the whole of that necessary business has devolved upon me. My family have been obliged to desert their home, and meeting with them in this place altogether unprovided, I have been under the necessity of delaying the time of my stay until I could fix them in some situation where they could be accommodated. The distress of my family on this occasion made it my particular duty to attend to them, and which I flatter myself will be justifiable upon every principle of justice.

"The situation of my brigade I was convinced was well known to the Convention. I apprehend that not more than a colonel's command was left in it, and as such did not think my presence was so absolutely necessary. I have thought that the existence of such a brigade, in which were so many disaffected persons, was dangerous to the cause as well as to my own life; but being desirous to participate in the virtuous opposition to the British tyrant, I had determined as soon as possible to join Genl. Washington, and contribute my assistance to him, prompted in the first instance by a love to my country, and in the next place the preservation of my property, being thoroughly convinced that unless we conquer I am ruined. However, in obedience to the commands of Convention, I shall prepare with all possible expedition to set out for Westchester, and will endeavor to execute any orders they may be pleased to give, to the utmost of my ability.

"I have the honour to subscribe myself,
"Sir, your obliged and obt. humb. servt.
LEWIS MORRIS."

WHEREAS the Convention have granted an exemption from military duty to Mr. Charles Shaw: AND WHEREAS Richd. Morris, Esqr. is exempted therefrom by his commission, agreeable to the regulation of the militia of this State; notwithstanding which, as this committee are informed, Capt. Berrien insists upon their serving in the militia. This committee are of opinion, that Capt. Berrien should, agreeable to the resolution of the Convention of this State, consider the said Charles Shaw and Richd. Morris as exempt from military duty, and that a contrary conduct will be considered as a high contempt of the authority of this State, and punished as such.

DIE MARTIS, 9 HO. A. M.

October 1st, 1776.

The Convention met pursuant to adjournment.

PRESENT—Peter R. Livingston, Esqr. *Presidt.*

Mr. Robt. Harper, Mr. Bancker, Mr. Dunscomb, Mr. Jay, Mr. Duane—*New-York.*

Col. Drake, Col. Van Cortlandt, Mr. Tompkins—*Westchester.*

Col. Livingston, Mr. Cuyler, Mr. R. Yates, Mr. Gansevoort—*Albany.*

Mr. Wisner, Col. Sherwood—*Orange.*

Mr. Stevens, Mr. Sessions—*Cumberland.*

Col. Dewitt, Mr. Contine, Major Parks—*Ulster.*

Mr. Moore, Mr. Harper, Mr. Newkirk—*Tryon.*

Mr. G. Livingston, Dr. Crane, Mr. Z. Platt, Mr. Sackett—*Dutches.*

Major Webster, Col. Williams—*Charlotte.*

The Convention were informed that Richd. Gazatt, one of the persons who has been detained at Fishkill by the guard as a suspicious person, is said to be dangerously ill; that a doctor or physician is unwilling to continue his attendance or care of him, without security for payment from this State.

Resolved, This Convention will provide means that the physician who shall attend the said Richd. Gazatt, shall have a reasonable reward for his trouble in the premises.

It being represented to the Convention that Mary Dunscomb, the wife of James Dunscomb, (now in the American troops of this State,) with her children, are in New-Windsor precinct in Ulster county, and unable to procure the means of support:

Ordered, That the committee of New-Windsor, at the public expense of this State, afford such assistance to the said Mary Dunscomb, as may enable her (together with every other lawful means) to have the necessaries of life for herself and children.

A letter from Thaddeus Burr, sheriff of Fairfield county, in Connecticut, of the 27th of Septr. last, to the President of this Convention, informing that, at the request of Thomas Tredwell and other gentlemen of Long island, he had received into his jail Isaac Ketcham and Saml. Skidmore, who were held by no legal process, and requesting the direction of this Convention relative thereto, was read and considered; and thereupon, the Convention came to the following resolutions:

Resolved, That a copy of the late resolutions of this House, authorizing and directing John Sloss Hobart, Esqr. to send Isaac Ketcham to this place, be forthwith sent to Thaddeus Burr, Esqr.

Resolved, That Mr. Burr be requested to detain the said Saml. Skidmore (who is accused of treasonable practices against this State) in his custody, till this Convention shall give further directions concerning him; and that all charges and expenses attending a compliance with this request, will be defrayed; and for that purpose, that Mr. Burr be authorized to draw for the amount thereof on the President of the Convention for the time being.

Mr. G. Livingston, from the committee appointed yesterday to remedy the abuses committed in withholding the sales of tea, and in making sales higher than the limited prices, brought in their report, which was read; after some time spent therein,

Ordered, That the further consideration thereof be postponed till to-morrow.

A letter from Peter T. Curtenius, dated at Hackensack on the 16th of Septr. was read and filed. He therein informs that he had not any military stores in his hands, having from time to time delivered them to the military store keeper Mr. Norwood; and that after his removal, the residue was delivered to Mr. Zedekiah Mills. That in obedience to the order of the Committee of Safety of the 10th Septr. he had enclosed an account of the quantity of lead, &c. shipped off, and the persons names to whom delivered, to wit:

An account of lead and ball, &c. shipped off by Peter T. Curtenius, agreeable to orders of Congress, and delivered to the following persons, vizt.:

To whom delivered.	Pounds of lead.	Pounds of ball.	Bullet moulds.	Billhooks.	Tomah'ks.	Shovels.
Nathl. Sackett, Dutches,	6,000					
Jonn. Platt, Westchester,	750	750				
Henry Wisner, Junr. Ulster,	6,000					
do Orange,	4,000					
Simon Stevens, Glous. & Cumb.	7,500					
Col. L. Paulding, G. Clinton's camp,	9,772	.....	8			
John Loyd at Stamford,	44,800					
Zedekiah Mills,	11,200	.....	....	309	340	12
Casper Mabie and J. Herring, Orange,	22,400					
Delivered by order of Genl. Washington to E. Cheevers, commissary of artillery stores,	51,520	41,716				
	163,942	42,466	8	309	340	12

An account of the ball and flints delivered by Peter T. Curtenius, before Mr. Norwood's appointment.

	Ball.	Flints.
To Tryon county,	600	3,000
Westchester do.	800	4,000
Ulster do.	400	2,000
Dutchess do.	1,000	5,000
Albany do.	2,000	9,500
Suffolk do.	1,000	5,000
New-York do.	1,350	
	7,150	28,500

Mr. Curtenius by his said letter further informs that he has engaged 100 muskets of Mr. Allen and Mr. Varick, which they say will be ready in a month, and that 25 of them are ready now.

Ordered, That Mr. Wisner, Mr. Contine, Dr. Crane and Mr. Moore be a committee appointed to fix the price to be paid for the spears and spear handles which have been ordered by this Convention, to be made and provided.

Mr. Tredwell, one of the committee appointed yesterday to devise ways and means to procure clothing for the Continental troops raised in this State, being absent,

Ordered, That Mr. Bancker and Mr. Tompkins be added to that committee.

A letter from Tench Tilghman, dated 28th Septr. and another Letter from Mr. Tilghman, dated the 29th, to Mr. Duer, respectively read.

He therein gives an account of the arrival at camp, of two very large mortars from Boston; that Mount Washington is strengthened, and that the army are fortifying their flanks.

Ordered, That Mr. Gilbert Livingston endeavour to procure the use of a large iron stove for this Convention.

Ordered, That a commission issue appointing Thomas Storm captain of a company of the militia detached from the militia of Dutchess county, to augment the forts and garrisons in the Highlands, pursuant to the resolutions of this Convention on the 7th of Sepr.; the said commission to appoint him captain in addition to his present command in the militia in this county, and to be of force until the said company is discharged.

Ordered, That a like commission issue appointing Mr. Gilbert Deane, (in addition to his command in the militia of his county,) captain of a company of militia in Col. Saml. Drake's regiment, of Genl. Scott's brigade, to be in force till that company is discharged.

Ordered, That a commission, dated 25th Septr. 1776, issue to Samuel Drake, a colonel of a minute regiment in Westchester county, to replace his former commission, which has been taken by the enemy.

The said three commissions issued.

DIE MERCURII, 9 HO. A. M.

Octr. 2nd, 1776.

The Convention met pursuant to adjournment.

PRESENT—Peter R. Livingston, Esqr. *Prest.*

Mr. Bancker, Mr. R. Harper, Mr. Dunscomb, Mr. Duane—*New-York.*

Mr. Tompkins, Col. Drake—*Westchester.*

Mr. Sessions, Mr. Stevens—*Cumberland.*

Col. Livingston, Mr. Gansevoort, Mr. Cuyler, Mr. R. Yates—*Albany.*

Mr. Wisner, Mr. Little—*Orange.*

Col. Dewit, Mr. Contine, Major Parks—*Ulster.*

Mr. Moore, Mr. Harper, Mr. Newkirk—*Tryon.*

Mr. Z. Platt, Mr. Sacket, Mr. R. R. Livingston, Dr. Crane—*Dutches.*

Major Webster, Col. Williams, Mr. Duer—*Charlotte.*

A letter from Tench Tilghman to the committee of correspondence, dated the 30th Sepr. was read. The said letter contains accounts of the disposition of the army of the enemy, Also some particulars relative to the disaffected persons.

The contents of this letter was charged from the Chair to be kept secret.

The Convention were informed by Mr. Duer, that the non-commissioned officers and privates of Capt. Clark's company of guards now here, cannot procure subsistence here at the lowest for less than 10*s*. per week, and appear dissatisfied to spend any part of their pay. The Convention also took into consideration the petition of the subalterns, non-commissioned officers and privates of Captain Micha. Townshend, of Westchester county, praying for an increase of their subsistence. Thereupon

Resolved, That the non-commissioned officers and privates of the several companies of guards or rangers employed in the counties of Dutches and Westchester, under the command of Captain-Commandant Melancton Smith, be allowed 10*s*. pr. week each, for their subsistence, from this day, during their continuance in that service.

Mr. Z. Platt informed the Convention that Col. Van Cortland and himself had been under a necessity during the time of their supplying the militia on the east side of Hudson river, by order of the Convention, to advance some small sums of money for ammunition, and other military stores, in the department of the commissary of military stores.

That it would also tend to prevent confusion in the public accounts if Col. Van Cortlandt and himself, should be ordered and authorized to settle accounts with, and discharge the moneys due to George Comb, of Westchester county, who by order of the Convention supplied the militia a few days before the appointment of Messrs. Van Cortlandt and Platt, and has also supplied some small matters since Mr. Paulding's appointment, and his acting as commissary.

Resolved and Ordered, That Geo. Combe be directed to settle his accounts with Col. Pierre Van Cortlandt, and Mr. Z. Platt, for all such articles and things as he has supplied to the militia in service at the times above mentioned, and they are also hereby authorized to settle with the said Geo. Combe, and pay him as well for his disbursements as his services. And

Resolved, That Messrs. Van Cortlandt and Platt do settle and discharge such accounts as they necessarily contracted in the department of a commissary of militia stores, for which this shall be their justification.

A letter from Andries De Witt to Mathew Contine, dated the 30th Sepr. was read and filed. He thereby informs that the inhabitants of Papaconk are in great fear of a rupture with the Indians; that the person who rode express to him with a succeeding annexed letter from those inhabitants, informed him that an old squaw (weeping much,) had desired the inhabitants to move this week to get out of danger, and that she would not see them in a long time. That the said express told him there remained at Papaconk nine families, amounting to the number of between 60 and 70 children, and that they would speedily move if they could not get assistance.

A letter from A. De Witt and D. Wynkoop, Junr. to the Convention, was read as follows, to wit:

"SIR—Agreeable to the resolves of the Convention of this State, we have distributed part of the gunpowder, lead and flints, to the inhabitants of Papaconk and the Indians near us, and far as we can learn they remain peaceably inclined. By enclosed letter it appears that the inhabitants of Papaconck are under apprehensions of danger; and the bearer of their letter further informed us that an old Indian squaw had warned them to be on their guard; that she expected that in case they did not move off they would be murdered by the Indians in a short time; this is all the intelligence we have got as yet, but believe that in case no assistance is given to them, they shall move off in a short time.

"We remain, sir,
"Your most obt. servants,
"A. D. WITT,
"D. WYNKOOP, Junr.

"*Kingston, 30th Sepr.* 1776.
"To the President of the Convention
of the State of New-York."

A letter from the inhabitants of Papaconck enclosed in the preceding letter, was received and read, and is in the words following, that is to say:

"*Papaconck, Sepr. 26th*, 1776.

"ESQR. DE WITT:

"*Sir*,—Agreeable to what was agreed on by yourself and Judge Wynkoop and William Pick, when Mr. Sprague and myself was at Marble Town, do on the earliest notice, send the bearer hereof to notify you of the danger we, the settlers here and hereabout, are in from the savages distressing of us immediately. The intelligence is nearly as follows: last Friday two men came down the Rookouse branch with a letter to the committee at the Mennasink, sent by the interpreter, who says that Sir John Johnson had sent to the Indians that they must take up arms one side or the other, and that they were gone to treat with Johnson at Oswego, and it was expected that they would strike on the frontiers very soon; and since the above letter was sent down, an Indian named John Sheling or John Rinepee, was down the river after King Philip, and said this week was the last that we might stay with safety. Said news has occasioned all the settlers below us to move off; and some of them we have stopped till we can have advice from you; and pray, sir, forward the same; and if we can have help, do let it be soon, for it is evidently expected we shall all be cut off the middle of next week except we have help. Sir, we remain your obedient distressed friends in haste.

"SILAS BOWKER, "TIMOTHY GREGORY,
"PETER AVEREE, "JONN. HICKS,
"ABEL SPRAGUE, "JACOB KERN,
"WM. ROSS, "THOS. CUMMING,
"RUSSEL GREGORY.

"*P. S.* Sir, the above was wrote, and afterwards the inhabitants below our settlements concluded to move off, and are gone; but we, the subscribers, have concluded to stay till we can have advice from you, and have agreed to build a picket fort.

"Sir, yours, &c.
"GEO. BARNHART,
"JACOB AUSTIN."

The Convention proceeded to consider the state of the frontier inhabitants of Ulster county. After some time spent therein, Mr. William Harper moved, and was seconded, that the committee of Ulster county be directed immediately to order the rangers already raised in that county, to proceed to the frontiers of the county to protect the inhabitants there; and that they expedite the residue of the said rangers.

Debates arose thereon. Mr. Gansevoort moved, seconded by Col. D. Witt, for the previous question, whether the question on Mr. Harper's motion shall be now put, and it carried against the previous question, and for the motion by a great majority. Therefore,

Resolved and Ordered, That the committee of Ulster county be and hereby are directed immediately to order the rangers already raised in that county, to proceed to the frontiers of the county to protect the inhabitants there, and that they expedite the raising of the residue of the rangers with all possible despatch.

Ordered, That Mr. Robt. Yates, Mr. Robt. Harper and Col. D. Witt, be a committee to take letters from Ulster county read and before mentioned, the resolutions for detaching part of the militia of Ulster county for augmenting the garrisons of the fortifications in the Highlands. The resolutions of Congress relative to an augmentation to those garrisons from Pennsylvania, with the letter from the Delegates of this State accompanying the same, in order that further means may be devised if necessary, to afford assistance to the frontier inhabitants of Ulster county.

A letter from Phil. Livingston, Esqr. one of the Delegates of this State at Congress, was read, and is as follows, to wit:

"*Phila. Septr. 28th*, 1776.

"GENTLEMEN—We received your letter, desiring us to apply to Congress for the loan of a sum of money. We have applied accordingly, and obtained an order on the treasury for $100,000, which will certainly be sent you by Thursday next.

"Your resolutions respecting Genl. Schuyler we have laid before Congress, and they have appointed a committee to consider them, who have promised us to report on Monday next. The committee is to our wishes, vizt: Mr. Rutledge, Mr. Hooper and Mr. McKean. As soon as their report is agreed to, it shall be forwarded for your information. It will, without question, be satisfactory.

"We are, gentlemen,
"Your mo. obt. servants,
(Signed) "PHIL. LIVINGSTON.

"ABM. YATES, Esqr. Prest. of the
Convention of the State of New-York."

Ordered, That this letter be committed to the same committee with the last letter received from the Delegates of this State, to wit: to Mr. Robert Yates, Mr. Duane and Mr. Tomkins.

Mr. R. R. Livingston informed the Convention that, agreeable to their order, he had waited on Genl. Schuyler and spent some days in inquiry into the reasons of his resignation, and examining his papers and letters relative to his conduct, since his acceptance of the command in the northern department. That Major-Genl. Schuyler informed him that he had been unjustly calumniated by many people in this Colony, by more in the neighbouring States; that he had been accused of disaffection to the cause of America, at the very time he was making the greatest exertions in her behalf; and that the false zeal of several had caused them so far as to lay schemes for his imprisonment; and the malice of others led them to transmit *ex parte* and false affidavits, in order to degrade his character to Genl.

Washington; that by this wicked and mal-conceived conduct his utility in the army was in a great measure destroyed; that he had applied frequently to the Honble. the Congress for an inquiry into his conduct; that his letters were as yet unanswered and neglected; that he thought therefore the justice he owed to his own reputation and the public, obliged him to take the step he had taken.

Mr. Livingston further informed the Convention, that he had reason to believe, from the papers and letters of Major-Genl. Schuyler, (which he had carefully inspected,) that his conduct would stand the severest scrutiny; and that upon an inquiry he would not only be acquitted of all censure, but appear worthy of the thanks and approbation of the Continent.

Mr. Duane, from the committee appointed to take into consideration the application of Major Joab Hoisington for money to discharge the residue of the bounty, and one month's pay and rations to the rangers in the county of Glocester and Cumberland; and also the letter from the committee of Cumberland county, of 21st June last, delivered in their report, which was read. It was

Ordered To lay on the table till to-morrow, for the perusal of the members, and to be read a second time to-morrow morning.

DIE MERCURII, 4 *ho. P. M. Octor. 2nd*, 1776.

The Convention met pursuant to adjournment.

PRESENT—Peter R. Livingston, Esqr. *Prest.*

Mr. Duane, Mr. Dunscomb, Mr. R. Harper—*New-York.*

Mr. Sessions, Mr. Stevens—*Cumberland.*

Mr. R. Yates, Mr. Cuyler, Mr. R. R. Livingston—*Albany.*

Mr. Tompkins—*Westchester.*

Mr. Contine, Major Parks—*Ulster.*

Mr. Moore, Mr. Harper—*Tryon.*

Dr. Crane—*Dutches.*

Major Webster, Col. Williams—*Charlotte.*

Mr. Little—*Orange.*

No other members appearing, and there being a quorum of no more than five counties, they could not proceed to business, and adjourned to 9 o'clock to-morrow morning.

DIE JOVIS, 9 HO. A. M.

Octor. 3d, 1776.

The Convention met pursuant to adjournment.

PRESENT—Col. P. R. Livingston, *Prest.*

Mr. Duane, Col. Lott, Mr. Dunscomb, Mr. Jay, Mr. Bancker, Mr. R. Harper—*New-York.*

Mr. Little, Mr. Wisner—*Orange.*

Col. Livingston, Mr. R. Yates, Mr. Gansevoort—*Albany.*

Mr. Tompkins, Col. Drake, Major Lockwood—*Westchester.*

Mr. Contine, Major Parks, Col. D. Witt—*Ulster.*

Mr. Moore, Mr. Harper, Mr. Newkirk—*Tryon.*

Dr. Crane, Capt. Platt, Mr. Sackett—*Dutches.*

Mr. Webster, Col. Williams, Mr. Duer—*Charlotte.*

Mr. Sessions, Mr. Stevens—*Cumberland.*

Mr. Wisner, from the committee appointed to make an estimate of the price of the spears directed to be made for the use of the militia of this State, reported as follows, vizt:

That the smiths be allowed for the spears steeled 5*s.* 6*d.* per spear, and for those without steel, including the rivets, 4*s.* 6*d.* and that the carpenters be allowed 1*s.* for each shaft or handle; that the smith and the carpenter each taking his part of that business, are to fit in the handles, rivet them in the spears and fit them for use for the above price, so that when completed the price for those spears that are steeled be 6*s.* 6*d.* and those not steeled 5*s.* 6*d.* The same being read was agreed to.

The committee to whom was referred the letters from the New-York Delegates in Continental Congress, of the 24th and 28th ulto. reported a draft of a letter in answer thereto, which was read and approved, and is in the words following, to wit:

"GENTLEMEN—I am directed by the Convention to acknowledge the receipt of your letters of the 24th and 28th ulto. In consequence of the resolves of Congress to raise four battalions, a committee is appointed to report a plan to carry those resolves into execution. Convention have great reason to expect that an inquiry into Genl. Schuyler's conduct will clear his character from the aspersions which some have industriously endeavoured to throw on it, and are happy to hear that the persons appointed by Congress as a committee are such as you approve of.

"The money you have obtained from Congress is a seasonable supply, and we thank you for your endeavours to procure it. It is the design of the Convention to write to you as often as occurrences arise worthy of notice.

"I am, gentlemen, most respectfully,

"Your very hble. servt.

"By order.

"The Honble. the New-York Delegates,
in Congress, Phila."

Ordered, That the same be copied, signed by the President, and transmitted.

Resolved, That the thanks of this Convention be presented to the Honble. the Congress for their late vote of an advance of money to this State, agreeable to the request of this Convention for that purpose.

Ordered, That the committee to whom was referred the late letters from the Delegates of this State report a draft of a letter for that purpose.

On motion of Mr. Jay,

Resolved, That a committee be appointed to devise ways and means for rendering the communication by land between the northern and southern parts of this State, and between this and the southern States, more easy and practicable, and that they report with all possible speed.

Resolved, That Mr. Wisner, Mr. De Witt, Mr. Jay, Doctor Crane and Colo. Drake be a committee for that purpose.

Ordered, That the Treasurer of this State advance to Wm. Duer, Esqr. on account of Brigadier-Genl. Mifflin, Qr. Master-Genl. to the Continental army, the sum of £600, which sum the said Wm. Duer engages to repay into the Treasury in the space of ten days.

Col. Lott informed the Convention that the poor inhabitants of the city of New-York, which were lately sent to New-Windsor, are provided with provisions in a very expensive manner. Therefore,

Ordered, That Col. Lott and Major Parks be a committee to devise a more economical mode of providing for them.

Resolved, That the committee to whom were referred the resolutions of Congress relative to the raising the four Continental regiments in this State to serve during the war, be and they hereby are authorized to apply to any officer in the Continental service, and obtain from them proper returns and information respecting the rank and number of officers and men raised in this State, together with the terms of their enlistment, and such other intelligence as the said committee may think necessary to enable them to form their report.

Ordered, That the President do, without delay, provide two large iron stoves for the use of this Convention, at the public expense.

Resolved, That the sum of £6,000 be deposited into the hands of Messrs. John R. Livingston and Abraham E. Lott, who hereby are authorized and requested to dispose thereof in purchasing on account of this State, coarse cloth, linsey-woolsey, shoes, woollen stockings, blankets and tanned leather, together with such other articles as they may think proper for clothing the troops raised in this State, and that they be allowed 2½ per cent for commissions in purchasing the said goods, the State to be at the expense of transporting the same to such place as shall be ordered by this Convention.

Ordered, That the Treasurer of this State advance to Messrs. John R. Livingston and Abraham E. Lott the sum of £6,000, to be by them disposed of in purchasing

coarse cloths and other articles necessary for the troops raised in this State, and that he take their receipt to account for the same.

Mr. Z. Platt brought into Convention a return or rank roll of the officers employed in Col. Morris Graham's regiment, and moved that commissions might be issued for the officers in that service, to be in force until the regiment is discharged.

The said rank-roll was read, and is as follows, to wit:

"A rank-roll of Col. Morris Graham's regiment of foot in service of the United States of America, under the command of Brigadier-Genl. Clinton, at Head-Quarters, King's Bridge, September the 10th, 1776:

"Morris Graham, *Colo.*
"Rosewell Hopkins, *Lieut. Colo.*
"William Barker, *Major.*

"1st Capt. Brinton Paine, ...	1st	lieut.	Saml. Walters,
	2d	do	William Meade.
"2d Capt. Peter Stoutenburgh,..	1st	do	William Dennison,
	2d	do	Ebenezer Mott.
"3d Capt. Israel Platt,.....	1st	do	Reuben Hopkins,
	2d	do	Jonas Parks.
"4th Capt. Elisha Barlow, ...	1st	do	Ezra St. John,
	2d	do	Ebenezer Carter.
"5th Capt. Andries Hearmance,.	1st	do	Herman I. Knickerbaker,
	2d	do	Geo. Sharpe.
"6th Capt. William Stewart, ...	1st	do	John L. Hardenbergh,
	2d	do	John Seaton.
"7th Capt. John Van Steenbergh,	1st	do	Stephen Edget,
	2d	do	Benjn. Bogardus.
"8th Capt. James Teller,.	1st	do	William Tremper,
	2d	do	Paul Van Anden.

"*Staff Officers.*

"Reuben Hopkins, *Adjutant,*
"Geo. Morehouse, *Quarter-master,*
" *Surgeon,*
" *Mate.*

Ordered, That commissions issue to the officers named in the preceeding rank roll of Col. Morris Graham's regiment, appointing each of them respectively to the rank therein mentioned, in addition to their respective former rank or station in the militia, and to continue in force only until the said regiment is discharged.

A return, or rank roll, of the officers at present in service, under the command of Cornelius Humfrey, Esqr. as colonel, was read. The colonel therein requests commissions for the said officers; and the said rank roll being read, is in the words following, that is to say:

"*Fort Montgomery, Sept. 27th,* 1776.

"Mr. Livingston,

"*Sir*—Agreeable to the discourse that passed between you and myself concerning commissions for my officers, I have enclosed their names and rank as follows, vizt:

"1st. Capt. Hugh Rea,.....	1st	lieutenant,	Danl. Wilson,
	2d	do	James Humfrey.
"2d. Capt. John Dorlon,.....	1st	do	Wm. B. Alger,
	2d	do	Danl. Outwater.
"3d. Capt. Joshua Barnum,.....	1st	do	Joshua Townsend,
	2d	do	Wm. Woodworth.
"4th. Capt. Colbee Chamberlain,	1st	do	James Tilmage,
	2d	do	Danl. Hamell.
"5th. Capt. Caleb Bently, ...	1st	do	——— Van Vranke,
	2d	do	——— Magoer.

as also a commission for myself and Major Renserlow; as for his christian name I have not at present, but if you see fit to send down those commissions for all, or part, just as you may think proper, I shall be able to put in those christian names that are left out.

"Gentlemen, your compliance will very much oblige
"CORNS. HUMFREY, *Colo.*"

Ordered, That commissions issue to the officers named in the preceding rank roll of Col. Humfrey's regiment, appointing each of them respectively to the rank therein mentioned, in addition to their former rank or station in the militia, and to continue in force only until the said regiment is discharged.

A return of an election of officers of a company of militia, in the precinct of Shawangunk, in Ulster county, which return is certified by Mathew Rea, chairman of the committee of Shawangunk, was read and filed. The said Mathew Rea having resigned the command of that company, it is thereby certified that Ira Robinson was duly promoted and elected captain; James Hunter, first lieut.; James Kaine, Junr. 2nd lieut.; and Evert Hoffman, ensign.

Ordered, That their commissions issue.

And they were issued accordingly.

DIE VENERIS, 9 HO. A. M.

Octor. 4th. 1776.

The Convention met pursuant to adjournment.

Present—Col. Peter R. Livingston, *Prest.*

Mr. Bancker, Col. Lott, Mr. R. Harper, Mr. Duane, Mr. Jay—*New-York.*

Mr. Little, Mr. Wisner—*Orange.*

Col. Livingston, Mr. Cuyler, Mr. Gansevoort, Mr. Robt. Yates—*Albany.*

Major Lockwood—*Westchester.*

Col. Dewit, Mr. Contine, Major Parks—*Ulster.*

Mr. Moore, Mr. Wm. Harper, Mr. Newkirk, Mr. Paris—*Tryon.*

Dr. Crane, Mr. Sackett, Mr. Z. Platt—*Dutches.*

Mr. Webster, Col. Williams—*Charlotte.*

Mr. Stevens, Mr. Sessions—*Cumberland.*

A draft of a letter to the Honourable the President of Congress, was read and approved, and is in the words following, to wit:

"Sir—This Convention have had the pleasure of receiving information through their Delegates, that a resolution has passed the Honourable Congress of the United States, for advancing to this State 100,000 dollars. They are highly sensible of this seasonable relief, which, amidst a crowd of difficulties and accumulating expenses may enable them, to support public credit, alleviate the sufferings of their fellow citizens, and continue their strenuous exertions in the common cause.

"They have, sir, directed me to present, in the most respectful terms, their thanks to the Honourable Congress for this fresh instance of their confidence and regard, which I beg you will be pleased to communicate.

"I have the honour to be,
"With the utmost regard, &c.

"To the Honble. John Hancock,
Prest. of the Congress."

Mr. Duane mentioned that Mr. Gerard Bancker, the deputy treasurer, had, in pursuance of an application to Col. Trumbull, the Commisssry-General, by order of this Convention, lately received of him a considerable sum of money, on account of the pork supplied to him at his request by this State; that the account could not then be finally settled for want of the proper receipts and vouchers remaining in the hands of the persons who delivered the pork; that the said Commissary-General intimated that he expected to be charged no more for the pork than it cost, with all charges, and should think it his duty to apply to Congress for advice, if he was charged a higher price.

Ordered, That Mr. Lockwood, Mr. Dunscomb and Mr. Duane, be a committee to settle the price of the pork to be paid by the said Commissary-General, taking into their consideration all expenses thereon, and that they report with all convenient speed.

A representation was made to the Convention that this State is indebted to Nichs. Bayard, Esqr. for the use of his house, for the security of the public records of this State for several months, and for expense attending the guards kept there for that purpose, that being now deprived of his whole estate by the enemy, payment thereof ought to be made.

Ordered, That Mr. Lockwood, Mr. Dunscomb and Mr. Duane, be a committee to state and report the sum reasonably due from this State, to Nichs. Bayard, Esqr. on the account above mentioned.

A letter from General James Clinton relative to £27

11*s*. 2*d*. deducted from the pay of 13 deserters of Robt. Johnson's company, by order of the late Congress of this State, was read and committed to Mr. Wisner and Col. De Witt, to consider of and report thereon.

The Convention resumed the consideration of the report of the committee on the letter from the committee of Cumberland county of the 21st June last, and the papers from Cumberland and Gloucester counties relative to the rangers raised in those counties. The return of the officers of the said rangers subscribed by James Clay, chairman, was again read, and is as follows, to wit:

"A roll of the officers belonging to Major Hoisington's company of rangers appointed and recommended by the Committee of Safety for the counties of Cumberland and Gloucester are as follows, to wit:

"1st Capt. Benjn. Wait,.....	1st Lieut.	Elisha Hawley,
	2nd "	Zebulon Lyon.
"2nd. Capt. John Strong,.....	1st "	Eldad Benton,
	2nd "	John Barnes.
"3rd. Capt. Joseph Hatch,.....	1st "	Simon Stevens,
	2nd "	Amos Chamberlain.
"4th. Capt. Elkana Day,.....	1st "	Nathl. Whitney,
	2nd "	Johul Robins.

"A true list examined by me.

"JAMES CLAY, *Chairman*."

The application of Major Joab Hoisington requesting the remainder of the bounty for the said rangers was also read, and is in the words following, to wit:

"To the Honble. NATHL. WOODHULL,
Prest. of the Honble Congress of the State of New-York."

"Agreeable to the order of the Honourable Congress, I have sent the muster rolls of the several companies under my command, by Mr. Ebenezer Andrews, the bearer, begging the favour of your forwarding the remainder of the bounty, rations, and one months' wages, taking his receipt for the same.

"I am, sir, your hble. servant.

"JOAB HOISINGTON.

"*P. S.* Please to remit my wages and rations, likewise as much of the ration as the Honourable Congress shall see fit. I find it much easier to purchase supplies with cash."

The several muster rolls of the said companies of rangers were also read.

The said letter from the committee of Cumberland county, dated the 21st day of June last, and inserted in the minutes of this Convention on the day of August last, was also read.

The report of the committee to whom was referred a letter from the committee of the county of Cumberland, of the 21st day of June last, and the application of Major Joab Hoisington for the pay and subsistence of the rangers, directed to be raised for the defence of the said county and of the county of Gloucester, was again read, and the same being read and taken into consideration by paragraphs, and amended, is in the words following, to wit:

The committee to whom was referred a letter from the committee of the county of Cumberland, of the 21st day of June last, and the application of Major Joab Hoisington for the pay and subsistence of the rangers directed to be raised for the defence of the said county, and of the county of Gloucester, have, according to order, taken the same into consideration, and thereupon have agreed to the following state of facts and resolutions.

That on application of the inhabitants of the county of Cumberland, the former Congress, from time to time, supplied the county committee with £100 in money, 1,800lb. of gunpowder, 4,500lb. of lead and a quantity of flints.

That the Convention of this State, on the 23d day of July last, directed that 252 men should be raised in the counties of Cumberland and Gloucester for the immediate protection and joint defence of the said counties, in the following manner, to wit: To be divided into four companies, consisting respectively of one captain, two lieutenants, three sergeants, three corporals, and 54 privates. The commissioned officers to be nominated by the mutual consent of the committees of both counties, by whose authority warrants for levying the troops were to issue to the captains of each company. The pay of the officers and privates to be the same as that given to the Continental troops, besides a bounty of 25 dollars to each non-commissioned offier and private. The subsistence to be to each captain 16s. each lieutenant 14s. and to each non-commissioned officer and private 10s. per week, in lieu of all rations. The officers and privates to furnish themselves each with a good musket or firelock, powder horn, bullet pouch, tomahawk, blanket and knapsack; each officer before receiving his warrant to take an oath to be administered by the chairman of the county committee recommending him, that he will once in every month, or as soon after the expiration of every month as possible, transmit to the Convention or Legislature of this State, a muster roll of the names of every officer and private under his command, and of their respective times of enlistment and service, one half of the bounty to be paid by the captain of each company to every able bodied man when he shall pass muster, the other half to be remitted by the Convention to the commanding officer, to be by him issued to the captains and immediately disbursed to the men; that on the same day, by the recommendation of the members of the county of Cumberland, Joab Hoisington, Esqr. was appointed and commissioned by Convention to be major and commanding officer of the said rangers, and a resolution of Convention passed on the same day directing the Treasurer of this State to pay to the Deputies of Cumberland county £1,200, in part of the bounty for the said rangers.

On the 24th of August last, a letter from the committee of the county of Cumberland, signed by Mr. James Clay, as chairman, directed to this Convention, and dated the 21st of June, was read, informing the Convention in substance that upon receiving the printed resolution of the late Provincial Congress recommending the expediency of instituting civil government, the major part of that county had elected their Deputies and empowered them to agree with the Convention in establishing a mode of government, declaring, however, that the Deputies of the said county were restrained by certain instructions given them by the said committee in such manner that if those instructions should be violated in the institution to be formed, the committee reserve to themselves, on behalf the inhabitants of the said county, the full liberty of an absolute disavowal of such institution; and further, reserving to themselves the liberty of pursuing a certain petition in behalf of the people included therein, which that committee allege was some years since preferred to the government of the Massachusetts Bay, praying that the district therein described might be reunited to the said Province; that the letter was referred to a committee of this Convention, who have made no report thereon; that on the 26th of September last, a letter to the Convention from Major Joab Hoisington, was read, including muster rolls of those companies, and requesting that the remaining part of the bounty, with the rations and first months' wages, which your committee find amounts to $6,412.25, might be forwarded; the said letter being also accompanied with a certificate from the joint committees of safety for the said counties, signed by James Clay as chairman, recommending the officers of the said rangers; that upon its being moved that the money should be transmitted to Major Hoisington, debates arose and it was objected.

First. That the committee of the county of Cumberland, had by their before mentioned letter, implying a protest, pretended to reserve to the inhabitants a right not only of rejecting any form of government which might not correspond with the instructions to their Deputies, but if they should hereafter think fit, even of separating from this State and uniting with that of the Massachusetts Bay, and that further expenditures of the public money for the immediate protection of that county could not in justice to

other parts of this State be made, while the jurisdiction was questioned, a separation threatened, and there was reason to apprehend that the same temper which dictated the latter might induce a denial to contribute any thing towards the heavy debt which was necessarily incurring, as well for the immediate defence of this State as for the support of the great cause of American liberty and independence.

The Convention, therefore, proceeded to ask information from Messrs. Sessions and Stephens, two of the Deputies of the county of Cumberland, who were present. They declared that, in pursuance of the resolution of Congress of the 31st of May, for electing Deputies to meet in Convention for the express purpose of forming a government for this State, they were duly elected by the people of the county at large; that the general committee of the county is composed of two members from each town; that the committee who gave them instructions, and sent the said letter to the Convention, were elected long before their own election as Deputies for the said county; that they are ignorant of the committees or sub-committees of the said county having had any authority, or directions from the inhabitants of the said county, to give the instructions, or to make such declarations, as are contained in the same letter; that the said letter was agreed to by the committee to prevent any division in the county, because the Deputies from 4 or 5 of the towns were opposed to sending Deputies to Convention without such instructions; that they have no instructions from the inhabitants at large, nor from any particular town; that their credentials from the county give them full and unrestrained power in forming a government; that they conceive themselves no farther bound by their instructions than they shall appear to be right and beneficial, but that whenever on debate it should appear that those instructions might work an injury to the State, or if on any question they should be out voted, they should not consider themselves bound by their instructions; and farther, that as Representatives of the said county, they fully acknowledge the jurisdiction of this State over the said county and its inhabitants. And the credentials of the said Deputies being read, it appears that Col. Joseph Marsh, with Mr. Stephens and Mr. Sessions, were duly elected to represent the said county in the Convention of this State, and that the said Representatives are expressly invested with full power of legislation—the said credentials containing no reserve or limitation of their authority.

Second. It was objected against transmitting the said money: and the fact is, it does not appear from the muster rolls, or return, or in any other manner, that the officers and privates therein mentioned, have furnished themselves each with a good musket, or firelock, powder horn, bullet pouch, tomahawk, blanket and knapsack, which is one of the qualifications of mustering expressly required by the before recited resolutions; nor whether the officers of the respective companies before receiving their warrants had been qualified to make and return monthly muster rolls of their companies, as the said resolutions also direct. From this state of facts it appears to your committee that the former Congress, and present Convention, have manifested the most ready and cheerful disposition to protect the inhabitants of Cumberland, at the public expense, in common with their other constituents, and without the least partiality or distinction. That liberal supplies of men and money, and ammunition, and warlike stores, according to the abilities of the State, have been granted them, as soon as their wants have been disclosed. That this committee neither know, nor have heard, of the least cause of complaint or uneasiness, that has been given to any of those inhabitants by this State, or any under its authority, during the present contest for our rights and liberties.

If under the former government, individuals may have been injured, it ought to be remembered, that to rescue ourselves from the oppressions of that government, the United States of America, submitting to all the miseries of war have asserted their independence. It is unquestionable that the jurisdiction of this State over the territory which now comprehends the county of Cumberland, is coeval with its first formation as a Colony, under the Crown of Great Britain, and accordingly that county was erected, and hath been represented; laws passed for its internal regulation, courts established, civil and military officers appointed, and many charters for lands and privileges confirmed, by its sole authority. Your committee, therefore, conceive it to be the indispensable duty of this Convention to preserve and maintain their jurisdiction over the said county, by every wise, steady and prudent measure in their power, at a time when this State is invaded and pressed by powerful armies, when our utmost exertions are necessary, and we are straining every nerve for the common cause of America, for the general defence of this State, and for the more immediate defence of the county of Cumberland.

At a time when every virtuous member of the community is loudly called upon to assist his bleeding country, and harmony and mutual confidence are so essential to our preservation, and to the success of the greatest and best of causes—at such an important and decisive conjuncture, your committee cannot but lament that any of the inhabitants of the county of Cumberland, should suffer themselves to be so far misguided as to assert a claim and principles subversive to all government, derogatory to the dignity, rights and jurisdiction of this State, manifesting an unbecoming return for the assistance and protection they have received out of the public treasury of their fellow subjects at large, and implying a latent design by a future separation from the State, to leave the whole burthen of the present cruel and expensive war to be sustained by the rest of the community. If the extraordinary injunctions in the letter from their committee should be vindicated, it must follow that the form of government dictated by a party, from the best information, by no means the majority of the county, is to be adopted, however injurious to the general interest of this State, or disagreeable to other counties, and however unreasonable it might on public debate appear even to their own immediate Representatives; and thus a single county is to control the whole State, prescribe its Constitution and government, and establish its laws on pain of separation. From a parity of reason every other county and even district and town within this State, might arrogate the same power, and instead of producing order, security and a wise and permanent government—the great and salutary purposes for which this free Convention was elected, and assembled—anarchy and confusion must be the fatal result. Your committee are satisfied, however, that the letter does not convey the sentiments of the majority of the good people of the county of Cumberland, and that the general committee will, upon cool reflection, be at no loss to perceive its want of respect to this Convention, and its dangerous tendency not only to the State, but to the common cause of America; and that after a deliberate revision they will candidly correct it, and give this Convention reasonable assurances of their attachment to its jurisdiction, and of their intention to share its blessings and misfortunes, its protection and its burthens, like faithful and affectionate fellow citizens. That your committee earnestly recommend it as the best and surest means of removing the uneasiness which a measure so unexampled has excited, and of promoting the most perfect harmony and good understanding throughout every part of this State. In confidence, therefore, that a thinking and reasonable people must see their own interest and preservation as well as the safety of the State, to which they belong, and the success of the great cause in which the whole Continent is engaged, cannot but be weakened by dissention, and by countenancing the factious and self-interested, your committee are of opinion that the requisition of the commanding officer of the ranging companies of Cumberland and Gloucester counties, should be complied with, lest the good people of

those counties being disappointed of the aid and protection provided by this State, may suffer from the incursions of their enemies, before an explanation of the said letter can be obtained from the committee of Cumberland, and have therefore agreed to the following resolutions:

1st. *Resolved*, That it is the opinion of this committee that the sum of 6,412 dollars and $\frac{2}{3}$ of a dollar being the remaining part of the bounty money, and month's wages, and rations due to the officers and men of the four companies of rangers raised and established for the immediate protection and defence of the counties of Cumberland and Gloucester, under the command of Major Joab Hoisington, be forthwith transmitted for their use. But in as much as it does not appear by the returns of the commanding officer or otherwise, that the men are equipped and furnished with arms or accoutrements, or that the officers have been qualified to make up their muster rolls and returns agreeable to the directions of Convention;

2nd. *Resolved*, That it is the opinion of this committee, that a committee from this Convention be appointed to see that the said money is faithfully applied, agreeable to the establishment of the said rangers, for that purpose consulting with the general committee of the said counties; that they be further authorized to call upon them the commanding and other officers of the said rangers, and if they should find it necessary to review the respective companies, that they be instructed to inquire into the temper of the inhabitants of the said county, and the grounds of any discontent which may prevail among the uninformed, or be encouraged by designing men, and use their endeavours to remove the same, and to frustrate any attempt to sow the seeds of jealousy and disaffection. And lastly, that they represent to the committee of the said county of Cumberland, the wisdom and propriety of a revision of the said letter, and if an unreserved submission of the said county to the jurisdiction of this State; that all cases of distrust may subside, and the harmony which is so essential at this important conjuncture may be fixed on the surest foundation.

Resolved, That this Convention do agree with their committee in the said report as amended, and the same is hereby declared to be the act of this Convention.

Resolved, That Messrs. Sessions and Taylor be requested to proceed to the county of Cumberland, and unite with Col. Marsh, one of the members of the said county now there, as a committee from this Convention, to see the preceding resolutions carried into effect.

Resolved, That the Treasurer of this State do pay to the said committee the above mentioned sum of 6,412$\frac{2}{3}$ dollars, for the purposes mentioned in the said report, and the further sum of $200, to defray the charge of their journey; for the expenditure of which last mentioned sum, they are to be accountable to this Convention.

Resolved, That 3,000 flints be delivered by the Commissary of this Convention to the Deputies of the county of Cumberland; 2,000 for the use of that county, and 1,000 for the use of Gloucester county.

The committee to whom were referred the application of Lieut. William Boerum and Lieut. Danl. Rapalje, officers of the late troop of lighthorse, delivered in their report, vizt:

"That it appears to this committee that, agreeable to a resolution of this Convention, the said troops were ordered out on public service on the 14th day of August last; that the said troops continued in the service assigned them until the 29th day of August. That it appears to your committee that the said Lieuts. Boerum and Rapalje, together with one second lieutenant, two ensigns, one quarter-master, one sergeant, one trumpeter, and nine privates, did, on the 29th Augt. agreeable to the order of their commanding officer, leave their posts in said Kings county; that they are now in and about the county of Dutches; that they are incapable of performing further service to this State in their respective characters; that they are also destitute of the means of subsistence: That the committee are therefore of opinion that 9*s*. per day be allowed to Lieuts. Boerum and Rapalje, and to each of the other commissioned officers, for pay and rations, 6*s*. per day, (as also to the non-commissioned officers and privates 6*s*. per day,) of the said troopers, from the time of their respectively entering the service to the 29th day of August, together with half such pay and rations from the said 29th of Augt. to the present day; and for this purpose, that the said Lieuts. Boerum and Rapalje be furnished with an order on the Treasurer of this State for the sum of for the use of themselves and the other persons for whom they have applied, as above mentioned, amounting to the pay and rations aforesaid, and that they be considered as no longer holden to serve, in consequence of their former engagement."

Resolved, That this Convention agrees with their committee in their said report as amended, and above stated, and that the same stand confirmed as the act of this Convention.

DIE SABBATI, 9 HO. A. M.

Octor. 5th, 1776.

The Convention met pursuant to adjournment.

PRESENT—Col. Peter R. Livingston, *Prest.*

Mr. Harper, Mr. Jay, Mr. Dunscomb, Mr. Duane, Mr. Bancker—*New-York.*

Mr. Little—*Orange.*

Col. Livingston, Mr. Gansevoort, Mr. Robt. Yates, Mr. Cuyler—*Albany.*

Mr. Moore, Mr. Harper, Mr. Paris, Mr. Newkirk—*Tryon.*

Mr. Contine, Col. D. Witt, Major Parks—*Ulster.*

Mr. Webster, Col. Williams—*Charlotte.*

Major Lockwood—*Westchester.*

Dr. Crane, Capt. Platt, Mr. Sackett, Mr. G. Livingston, Mr. R. R. Livingston—*Dutches.*

Mr. Sessions, Mr. Stephens—*Cumberland.*

A letter from Joshua H. Smith, Esqr. one of the members of this Convention, dated the 4th inst. was read. He therein shews for cause of his non-attendance, that he has been in a bad state of health; that he is at present an infirm convalescent, and will attend as soon as his health will permit.

A letter from Col. Broome, another of the members of this Convention, dated at New-Haven on the 26th ulto. was received and read. He thereby acknowledges that on the day preceding he had been served with an order of Convention for his attendance, and excuses his non-attendance by reason of the indisposition of his family.

The committee appointed to devise ways and means for rendering the communication by land between the northern and southern parts of this State, and between this and the southern States, more easy and practicable, reported thereon as far as respects the communication by land between the northern and southern parts of this State, on the east side of Hudson's river; which report was read, amended, agreed to and adopted by the Convention as their act. Thereupon,

Resolved, That the post road from the north side of the Highlands to King's Bridge is very much out of repair, and particularly that part of it which leads through the Highlands to the manor of Philipsburgh, and that the said road affords the most short and convenient communication by land between the northern and southern parts of this State on the east side of Hudson's river.

Resolved, That the said road ought to be immediately repaired. And therefore,

Resolved, That Col. John Field be appointed and directed to repair such part thereof as lies between Isaac Van Wyck's on the north side of the Highlands aforesaid, and the south line of Dutches county.

Resolved, That Major Joseph Strong be appointed to repair the remaining part of the said road, together with a

certain other small road which leads from the post road aforesaid, to the dock at Dobb's ferry.

Resolved, That each of the said persons so appointed, be allowed for their trouble 10*s*. per day, and that they be also allowed their subsistence.

Resolved, That the sum of £100 be advanced by the Treasurer of this State to Col. Field, and the sum of £100 to Major Strang, to enable them to execute the trust hereby reposed in them.

Resolved, That the said Col. Field and Major Strang respectively be, and they hereby are, authorized to employ teams and carts for the purposes aforesaid; and lest a sufficient number of labourers speedily to repair the said road should not be obtained,

Resolved, That Genl. Petrus Ten Broeck do, on the requisition of the said Col. Field, furnish him with such detachments of the militia of the county of Dutches from time to time, as the said Col. Field may require. And that Genl. Morris, or in his absence, the next commanding officer of the militia in Westchester county do, on the requisition of the said Major Strang, furnish him with such detachments of the militia from time to time as he may require.

Resolved, That the said detachments while employed in repairing the roads aforesaid, be under the directions of the superintendents thereof aforesaid, in their respective counties; and that while actually employed as aforesaid, they be allowed at the rate of 10 dollars per month, and provided with provisions by the said superintendents.

Resolved, That the said superintendents keep and render to this Convention regular accounts of their expenditures and proceedings.

Ordered, That copies of these resolutions be sent by express to the respective superintendents above mentioned.

Resolved and Ordered, That Mr. John Taylor of the county of Albany, be one of the committee to proceed to Cumberland and Gloucester counties, and that his name be inserted in the blank left among the names of that committee yesterday.

On motion of Mr. Duane on behalf of the said committee, who reported on the said letter from Cumberland county, and the letter from Joab Hoisington, for the pay and subsistence of the rangers directed to be raised for the defence of the said county of Cumberland and of the county of Gloucester.

Ordered, That the said committee have leave to sit again.

Mr. Stevens, one of the members for the county of Cumberland, applied for leave of absence for three weeks to visit his family, which is granted.

Whereas Mr. Stevens has applied for and obtained leave of absence for three weeks to visit his family,

Resolved, That he be added to the committee appointed to carry into effect the resolutions of Convention of the fourth inst. respecting the county of Cumberland.

Ordered, That the Secretaries procure 500 copies of the resolutions relative to the pay and subsistence of the said rangers printed, to be distributed in the counties of Cumberland and Gloucester, and the other parts of this State.

Col. Williams moved for leave of absence.

Debates arose, and the question being put thereon, it was carried in the negative in manner following, to wit:

For the negative.		*For the affirmative.*	
New-York,	8	Ulster,	4
Albany,	6	Charlotte,	2
Dutches,	5	Cumberland,	2
Tryon,	3		8
Orange,	3		
	25		

On behalf of Henry Livingston, Esqr. clerk of Dutches county, it was suggested to the Convention, that next Tuesday is the stated day for holding the county court at Poughkeepsie in Dutches county, and that he requests the advice of this Convention whether he shall issue any precept for summoning a grand jury.

Resolved, That it is the opinion of this Convention that Henry Livingston, Esqr. do not issue any precept to summon a grand jury, or any other precept whatever, until a new government is formed, or further order of this Convention.

A letter from Tench Tilghman to Wm. Duer, Esqr. dated the 3d inst. was read, a part whereof is in the words following, to wit:

"Capt. Cook is now up the river cutting timber for chevaux-de-frise; as he is much wanted here to sink the old vessels, the General begs that you would immediately send him down; we are at a stand for want of him, for as he has superintended the matter from the beginning, he best knows the properest places to be obstructed."

Ordered, That a certified copy of the above part of Mr. Tilghman's letter immediately despatched to Capt. Cooke.

The memorial of Isaac Paris, Christian Fox, Johannes Billinger, and upwards of 100 others of the inhabitants of Tryon county, was read. They therein complain that Hendrick Frey, Frederick Young and other very suspected persons have been permitted by the county committee to return to the county. Some of the inimical expressions and declarations of the said Frey and Young are therein set forth; and the memorialists pray that the resolve of the county committee may be repealed or changed.

Ordered, That this memorial be referred to the committee for detecting conspiracies.

A letter from Johannes Sleght, Esqr. to Col. De Witt, was read, and is in the words following, to wit:

"*Kingston, 3rd Octor.* 1776.

"Sir—We have just now received your letter by our post; the committee are much obliged to you for your trouble. I am directed to acquaint you that the justices of this and the neighbouring townships of Rochester, Marble Town and Hurly have met here yesterday to consider what is best to be done relative to the Indians. Our frontier inhabitants are daily moving away for fear of them. We have, therefore, concluded to call them together to treat with them, and have already fixed a certain day for that purpose; but as this will be attended with some cost, we would be glad to know whether your Honourable House will be good enough to assist us in paying the cost of this treaty. Your answer by the next post will much oblige your friend and

"Most obt. humble servant,
"JOHANNES SLEGHT."

The Convention having taken the same into consideration: Thereupon,

Resolved, That the committee of Kingston ought, as soon as may be, to represent the matters contained in the said letter to the commissioners for Indian affairs at Albany, and pursue such directions as they may give relative to the same; but that if by the day appointed for the holding of the said treaty, an answer from the said commissioners cannot be obtained, that they proceed to hold the same, and that this Convention will pay the expense attending the same.

A letter from Capt. Samuel Tudor, one of the superintendents of the Continental frigates building at Poughkeepsie, was read, and is in the words following, to wit:

"*Poughkeepsie, 2nd, Octr.* 1776.

"Gentlemen—The bearer, Mr. McEuen, is employed in the yard as plumber to the ships; his business is obliged to stop for the want of lead, which we cannot procure for him. We are informed there is a quantity at Fishkill under your direction and disposal; beg it as a particular favour you would furnish him with such quantity as he may want, with all expedition, as our orders from

the commissioners are to put the ships in the water as soon as possible.

"We are with respect, gentlemen,
"Your mo. obt. servt.
"SAML. TUDER.

"PETER R. LIVINGSTON, Esqr."

Malcom McEuen, the bearer, was called in and interrogated as to the lead necessary for the said frigates, and withdrew.

Ordered, That Mr. Danl. Bush be and he is hereby directed to deliver to Nathl. Sacket, Esqr. all the lead in his possession belonging to this State, taking a receipt for the same; and that this Convention will justify him in the execution thereof.

Ordered, That Nathl. Sacket, Esqr. deliver to the bearer hereof, Mr. Malcom McEuen, for the use of the Convention for the Continental frigates building at Poughkeepsie, two tons of lead, and that he take Mr. McEuen's receipt for the same, to be charged to Continental account.

The report of the committee appointed on the 2nd inst. to take into consideration the letters from Ulster county relative to the Indians, delivered in their report which was read. After some time spent thereon, it was recommitted to the same committee.

WHEREAS it is represented to this Convention that a number of the inhabitants on the frontiers of Ulster county, being very apprehensive from intelligence they have received, that they will speedily be attacked by the Indians, are preparing to remove from their settlements, and will unless relieved, retire with their families to the inner country.

Resolved, That the committees of the counties of Ulster and Orange do provide for the defence of their frontier country by detachments from the militia of those counties, and that the expense thereof be defrayed by this Convention.

Resolved, That Mr. Duane, Mr. Cuyler, Mr. Robt. Harper, Mr. William Harper, Mr. Contine, Mr. Dunscomb and Mr. Moore be a Committee of Safety for this State until the next meeting of this Convention.

Col. Williams, from the committee appointed to report regulations for the sale and disposition of salt in this State, brought in the report of the said committee which was read.

Ordered, That the said report remain for further consideration.

JOURNAL

OF THE

COMMITTEE OF SAFETY.

DIE LUNÆ, 9 HO. A. M.

October 7th, 1776.

The Committee of Safety met pursuant to adjournment.

Present—Col. P. R. LIVINGSTON, *Prest.*
Mr. DUANE, Mr. DUNSCOMB—*New-York.*
Mr. WM. SMITH—*Suffolk.*
Col. LIVINGSTON, Mr. ABM. YATES, Junr.—*Albany.*
Mr. STEVENS, Mr. SESSIONS—*Cumberland.*
Mr. CONTINE—*Ulster.*
Mr. MOORE, Mr. W. HARPER, Mr. NEWKIRK, Mr. PARIS—*Tryon.*
Major LOCKWOOD—*Westchester.*
Col. WILLIAMS, Major WEBSTER—*Charlotte.*

A letter from Tench Tilghman to Mr. Duer, dated the 5th inst. was read. He therein informs that on the preceding night a party of the American army brought off a parcel of boards from Harlem; that the enemy had that morning sent a party there who have been throwing up a breastwork.

A letter from Brigadier-Genl. Scott, dated the 3d inst. at 11 o'clock at night, was read. He gives the Convention a particular account of the examinations and testimony against Joseph Read, Israel Underhill and Philip Palmer, all late of Westchester county, and now sent here under guard.

Ordered, That the said letter be referred and delivered to the committee for detecting and defeating conspiracies.

Ordered, That the President write to the committee of Albany, requesting them to procure by purchase or loan, for the use of this Convention, the iron stove belonging to the Presbyterian church at Albany.

The report of the committee on the sundry letters and papers of Capt. Thomas Cregier, and the petition of sundry officers and mariners of the armed vessel or schooner Putnam, delivered in their report, which was read. Thereupon,

Resolved, That the said armed schooner Putnam, together with her arms, cannon, ammunition, boats, rigging, tackle and furniture, be immediately sold, and that John Imlay, Esqr. be agent for that purpose, who is hereby directed, out of the proceeds, to pay the officers and crew their wages, and all other reasonable charges, and to remit the surplus to the treasury of this Convention.

Resolved and Ordered, That Mr. Newkerk, Mr. Cuyler and Mr. Dunscomb be a committee to examine and take an inventory of the goods belonging to this State, now stored in Mr. John Schenk's store house, and all other goods belonging to this State, and report what parts are fit for the use of the army; and that they be, and hereby are, authorized to cause such parts of the said goods to be made up for soldiers' use, as they may think proper; and all persons who have heretofore had charge of any such goods, are hereby directed to make return of the goods they have on hand, or under their directions to the committee above mentioned, and follow such directions as they may receive from those gentlemen relative thereto.

The committee appointed to devise ways and means for purchasing clothing for the Continental troops, delivered in their report, which was read. The same being then delivered in at the table, was again read by paragraphs, and in many instances amended. Thereupon,

Ordered, That the said report be recommitted to the same committee.

Ordered, That the messenger be immediately despatched to summon Judge Graham and Mr. Landon to attend the public business in Convention without delay, and that they pay the said messenger for his trouble and expense.

Resolved, That a committee, or member, be appointed to answer the letter received from Genl. Morris; and that he be requested immediately to repair to Westchester and take charge of his brigade of militia.

Thereupon Mr. R. R. Livingston was appointed for that purpose.

On account of the cold and dampness of the church, the Committee adjourned to meet to-morrow at Mr. Isaac Van Wyck's tavern.

DIE MARTIS, 9 HO. A. M.

Octor. 8th, 1776.

The Committee of Safety met at the house of Isaac Van Wyck pursuant to adjournment.

PRESENT—Col. P. R. Livingston, *Prest.*
Mr. R. Harper, Mr. Dunscomb—*New-York.*

Mr. Contine—*Ulster.*
Mr. Crane, Mr. R. R. Livingston—*Dutches.*
Mr. Wm. Harper, Mr. Moore, Mr. Paris—*Tryon.*
Col. Williams—*Charlotte.*
Mr. Stevens—*Cumberland.*

The Committee finding that the accommodation for their sitting at Mr. Van Wyck's will not answer their expectations, and the weather being more favourable than for some days past, they adjourned to the church.

The Committee met at the Dutch church pursuant to the above adjournment.

PRESENT—The members above mentioned, together with
Mr. Abm. Yates, Mr. Adgate, Mr. Cuyler—*Albany.*
Major Lockwood—*Westchester.*
Mr. Allison—*Orange.*
Mr. Newkerk—*Tryon.*

Mr. Robert R. Livingston, according to order, reported a draft of a letter to Brigadier-Genl. Morris, which was read.

Ordered, That it be recommitted to Mr. R. R. Livingston, Mr. Abm. Yates and Mr. Wm. Smith.

A letter from John Field and Isaac Paddock, of south-east precinct, in Dutches county, dated the 7th inst. was received and read. For the reasons therein mentioned, they suggest the necessity of raising another company of county guards, for the detection and suppression of dangerous and disaffected persons; and they recommend Nathl. Scribner for captain, and Joseph Field for lieutenant of such company.

Ordered, That Mr. Adgate, Dr. Crane and Mr. Robert Harper, be a committee to consider of the said letter, and to report thereon.

The present President, Col. Livingston, represented to the Committee, that the lower part of the county of Albany, particularly the district of Claverack and the manor of Livingston, are infested with disaffected persons; that they have fired, with loaded arms through the houses and store houses of Dirk Janson, and wounded one of the clerks, and perpetrated other enormities against the peace of this State.

Ordered, That the committee above named consider of this information and report thereon.

DIE VENERIS, *Octo. 8th, P. M.* 1776.

The Committee met pursuant to adjournment.

PRESENT—P. R. Livingston, Esqr. *Prest.*
Mr. R. Harper, Mr. Dunscombe—*New-York.*
Mr. W. Smith—*Suffolk.*
Major Lockwood—*Westchester.*
Mr. Moore, Mr. W. Harper, Mr. Paris, Mr. Newkirk—*Tryon.*
Mr. A. Yates, Junr. Mr. Cuyler, Mr. R. R. Livingston—*Albany.*
Mr. Contine—*Ulster.*
Mr. Allison—*Orange.*
Major Webster—*Charlotte.*

The committee to whom was recommitted the draft of a letter to Brigadier-Genl. Morris, reported a new draft, which was read and approved of, and is in the words following, that is to say:

"*October the 8th,* 1776.

"SIR—The Convention have directed me to inform you that they were extremely sorry for the necessity that first obliged them to request your immediate return to your brigade, since they hoped that no military officer would choose to be absent when his country was invaded. They are willing to acknowledge the force of those reasons for delaying your return, which are derived from the particular situation of your family; these, they hope, by their safety and security, have long since ceased to operate. They now flatter themselves that it will be unnecessary to remind you of the superior ties which bind every man to his country, more particularly by those whom the State have vested with the highest honours. Though the Indian affairs of the middle department should be under the consideration of Congress, yet they hope your attendance may be dispensed with, as the Congress have it in their power to call upon the other commissaries, without injuring the public so materially as by retaining a military officer from his station. The Convention cannot but hope that you have been deceived in your belief that your brigade is reduced to less than a colonel's command, though the loud and well founded complaints of the county of Westchester, has given them reason to fear that it has suffered by your absence.

"They are pleased to hear that you have expressed your desire of offering your personal service to Genl. Washington; since they cannot conceive that a general officer can withdraw his duty yet as a volunteer, when the troops under his command are, or like to be, called into action.

"Upon the whole, sir, they have directed me to inform you, that they expect your immediate attendance on the duties of your department.

"I am, sir, yours, &c.

"By order.

"Brigadier-Genl. MORRIS."

Mr. Livingston moved a resolution relative to tanned leather, which was ordered to lie on the table for further consideration and perusal.

Mr. Robert Harper, from the committee appointed this morning, made a report in the form of resolutions, which were read and adopted, and are as follows, to wit:

WHEREAS, it is absolutely necessary in the present critical conjuncture, that one company of 49 men in the county of Albany, and one company of 49 men in the county of Dutchess, be immediately raised for the purpose of detecting and defeating the intentions and conspiracies of our secret and open enemies: Therefore,

Resolved, That one company be immediately raised in the county of Albany, and that one other company be immediately raised in the county of Dutches.

That each company consist of 1 captain, one lieutenant, 3 sergeants, 3 corporals, 1 fifer and 40 privates—49 men.

That the pay of those companies be the same as the pay of the Continental troops.

That the captains be allowed each 16*s.* per week; the lieutenants 14*s.* and the non-commissioned officers and privates, each 10*s.* per week, in lieu of all rations and subsistance.

That Petrus Van Gaasbeck be and is hereby appointed captain, and Samuel Thorne lieutenant, of the said company to be raised in the county of Albany; and that the said company do rendezvous at and about the manor of Livingston, and be subject to the order of the Convention or Committee of Safety of this State, and under the direction of the committee of the city and county of Albany, or such person or persons as the Convention or Committee of Safety of this State shall appoint.

That Nathl. Scribner be and is hereby appointed captain, and Joseph Field lieutenant, of the said company to be raised in the county of Dutches; and that the said company do rendezvous in Fredericksburgh and South East precincts of the said county, and be subject to the order of the Convention or Committee of Safety of this State, and be under the direction of the committee of the said county of Dutchess, or such other person or persons as the Convention or Committee of Safety of this State shall appoint.

That the chairman of the committee of the district of the manor of Livingston, for the time being, be the muster-master to muster the company to be raised in the county of Albany; and that Col. John Field be appointed muster-master of the company to be raised in Dutches county. That the said company to be raised in the county of Dutches, be incorporated and deemed a part of the corps where-of Capt. Melancton Smith is commandant, and that both the companies hereby directed to be raised, be enlisted to continue in service for the term of three months, unless sooner discharged.

The application of Benjn. Tusteen, chairman of Go-

shen precinct, for the sense of Congress relative to certain Scotch prisoners stationed in Goshen by the committee of prisoners; also a letter signed Daniel Walker, on behalf of said prisoners; and also a letter from John Broome, Esqr. and others of the committee of prisoners, were received and read, and committed to a committee, consisting of Mr. Robert Harper, Mr. Contine and Mr. Cuyler.

A letter from Genl. Scott, received by Lieut. Mott, with two disaffected persons, vizt. Gersham Smith and was read.

Ordered, That the letter, lieutenant and prisoners, be severally referred to the committee for detecting conspirators.

The Committee adjourned until 9 o'clock to-morrow morning.

DIE MERCURII, 9 HO. A. M.

Octr. 9th, 1776.

The Committee of Safety met pursuant to adjournment.

PRESENT—Col. P. R. Livingston, *Prest.*
Mr. R. Harper, Mr. Dunscombe—*New-York.*
Major Lockwood—*Westchester.*
Mr. Wm. Smith—*Suffolk.*
Mr. A. Yates, Mr. Adgate, Mr. Cuyler—*Albany.*
Col. Allison—*Orange.*
Mr. Contine—*Ulster.*
Mr. Moore, Mr. Paris, Mr. Newkirk, Mr. W. Harper—*Tryon.*
Dr. Crane, Mr. R. R. Livingston—*Dutches.*
Major Webster—*Charlotte.*
Mr. Stevens—*Cumberland.*

The report of the committee appointed to devise means for clothing the troops, was read and agreed to, and is in the words following, that is to say:

Resolved, That the persons hereafter mentioned, be appointed to purchase, at the cheapest rate, in their several counties, all the coarse woollen cloth, linsey-woolsey, blankets, woollen hose, mittens, coarse linen, felt hats, and shoes, fitting for soldiers, and that they have the linen made up into shirts.

That Mr. Stephen Ward, Gilbert Strang and Phil. Leak, be appointed for the county of Westchester, and that the sum of £100 be advanced to each of them, for the purpose of purchasing the above mentioned articles.

That William Radlif for Rynebeck and North East precincts; Saml. Smith for Charlotte and Armenia precincts; Jonn. Paddock for Phillips, Fredericksburgh and South East precincts; Isaac Talman for Beekman and Pawling precincts; and Wykoff for Rumbouts and Poughkeepsie precincts, be appointed in the county of Dutches; and that the sum of £100 be advanced to each of them, for the purpose of purchasing the above mentioned articles.

That John Sleght, Junr. and Abell Belnap, be appointed for the county of Ulster; and that the sum of £100 be advanced to each of them, for the purpose of purchasing the above mentioned articles.

That Capt. John A. Fonda of the manor of Livingston, Peter Van Ness of Claverack, Barent Van Beuren of Kinderhook, Isaac V. Arnum of Albany, Corns. Cuyler of Schenectady, James McGee and Henry Quackenboss of the manor of Rensselaer, Anthony Van Bergen of Cocsackie, Henry Oothout of Kattskill, and Johannes Ball of Schohary, be appointed for the county of Albany; and that the sum of £100 be advanced to each of them, for the purpose of purchasing the above mentioned articles.

That Col. Benjn. Tusteen and Teunis Cuyper, Esqr. be appointed for the county of Orange, and that the sum of £100 be advanced to each of them for the purpose of purchasing the above mentioned articles.

That the sums of money affixed to the names of the persons in each county above mentioned, be paid to the said persons respectively, or their order, towards purchasing the said clothing, and that they transmit an account of their progress from time to time to the President of the Convention or future Legislature of this State, and if either of them shall not have money sufficient for the payment of such of the said articles as shall be by either of them purchased, then either of them shall have power to draw on the President for such sums as shall appear to be necessary, or by him advanced, allowing to each of them 5 per cent for his trouble.

The Convention were informed by a member that Capt. Benjn. Coe, who lately commanded a company in Col. Smith's regiment, on Nassau island, is in distressed circumstances, and that from his muster roll of the time of said company's service, it appears that the pay due to him amounts to about £20, and requests that he may have an order on the Treasurer for that sum on account. Therefore,

Ordered, That the Treasurer of this State advance to Capt. Benjn. Coe, of Col. Smith's regiment, drafted from the militia on Nassau island, the sum of £20, and take his receipt on account for the same, on the settlement of the pay rolls of the said regiment.

The committee to whom was referred the behaviour of the Scotch prisoners at Goshen, in the county of Orange, as represented to this Convention by Col. Teston, chairman of the committee there delivered in their report, which was read and agreed to, and is as follows:

That as the said prisoners are not content with their enlargement from close confinement and privilege to labour as the said committee have heretofore permitted them, but have behaved indecently and unbecomingly, that the said committee be and they are hereby directed to maintain and provide for the said prisoners in any such way and manner as to them shall seem most consistent with the security of the said prisoners, the safety of the State, and with the resolve of the Continental Congress in that case made and provided: Also as to the boys among the said prisoners; that they shall be put out to such service and in such families as the committee shall think proper; and that the said boys, upon their behaving impertinently or unfaithfully in their said service, shall be subject to such punishment from their respective employers or masters as in such cases by custom immemorial hath been hitherto practised in this country: provided nevertheless, that the said committee be directed to see that the said boys be not treated with cruelty or unnecessary severities.

Ordered, That the President write a letter to General Schuyler, requesting him to discharge John Taylor, Esqr. from any service to which he may be appointed by Genl. Schuyler's order, that Mr. Taylor may be employed as one of the committee of this House ordered to repair to Cumberland county.

The Committee were informed by Col. Tusteen, chairman of the present committee of Goshen, that a certain Richd. Speight, a disaffected person, was sent from New-York sometime since to Goshen, to remain there on his parol, is with his wife and children in a starving condition, being unable to support himself and family.

Ordered, That the committee of Goshen precinct be directed to allow Richd. Speight, his wife and children each one ration of provisions per day, agreeable to the rations allowed prisoners of war, and that this Convention will make provision for the payment of the same.

WEDNESDAY AFTERNOON, *Oct. 9th*, 1776.

The Committee of Safety met pursuant to adjournment.

PRESENT—Col. P. R. Livingston, *President.*
Mr. Moore, Mr. Contine, Dr. Crane, Mr. Paris, Mr. Wm. Harper, Mr. Mills, Mr. Dunscombe, Major Lockwood.

A letter from Genl. Schuyler, dated at Albany, Oct. 7th, 1776, was received and read, and is in the words following, to wit:

"*Albany, October 7th*, 1776.

"SIR—On Saturday last I received sundry despatches

from Philadelphia. Copy of Mr. Hancock's letter, and of the resolutions of Congress of the 25th ulto. I do myself the honour to lay before the Convention. By the contents of the former, it would appear as if Congress still considered me as commanding in this department, and correspondent to this idea, was the direction of the letter. If so, nothing could be more insulting than that commissioners should be sent to confer with any officer under my command, with respect to the army in this department, or any part of it.

"This treatment would fully justify me, if I forbore every act as commander-in-chief of this department; yet the principles which induced me to accept the command on which I have acted whilst in it, and which I trust will mark every action of my life, will not permit me to forbear acting until matters are put into such a proper train by Congress, as that no detriment may accrue to my country. Of this I have advised Congress, and signified my wish that I may be speedily relieved.

"Convention will perceive by the postscript of Mr. Hancock's letter, that Congress has referred an inquiry into my affairs to a special committee. Although I have the fullest confidence in the propriety of every part of my conduct, and in the honour of the gentlemen who compose the committee, yet things may appear in a quite different point of view from what they really are, to persons uninformed of causes and facts, which, perhaps, none but myself can suggest. I have, therefore, entreated Congress to suspend their judgment until I shall have had an opportunity given me of being heard—a request so reasonable that I hope it will not be refused me. But if it is, I must in justification of my conduct publish my letters to Congress, with their answers, whatever may be the consequences, for I cannot sacrifice my honour to any considerations whatever.

"By the resolutions of Congress to enlist 88 battalions during the war, I perceive that this State is to raise 4 of them. The Convention will pardon my presumption in mentioning a thought on the subject.

"By the resolutions of Congress the soldiers are to pay for their clothing, the price of which is now so excessively high, that I fear that condition will greatly impede the levies. Perhaps it would be best to determine the several articles of clothing that should be given to each soldier, and ascertain what stoppages he should be put under for it; but these I think ought very little to exceed the price that clothing was sold at before the present troubles arose. This, with the bounty offered and paid immediately, I believe would induce men to engage with alacrity.

"That State which is foremost in publishing their terms and in appointing recruiting officers in both armies to enlist men, I conceive will meet with the least difficulties in doing it.

"I should imagine that many of the New-Jersey and Pennsylvania soldiers whose terms of enlistment expire on the last of this month, would re-engage.

"I am, sir, respectfully,
"Your mo. obt. hble. servant,
"PH. SCHUYLER.

"The Honble. Abm. Yates, Esqr. President, &c."

A copy of a letter to Genl. Schuyler, from the Honble. John Hancock, dated Sepr. 25th, enclosing copies of certain resolves of Congress of the same date, was also read, and is in the words following, that is to say:

"*Philadelphia, Sepr. 27th, 1776.*

"Sir—I have the honour to enclose you sundry resolves which are so explicit that I need only request your attention to them.

"You will perceive that Congress have come to a determination to augment our army to 88 battalions, and to engage the troops to serve during the continuance of the war, being thoroughly convinced by repeated instances that the short and limited enlistment of troops has been the source of much mischief to the service. In order that these troops may be better disciplined, the Congress have abolished the system of rules and articles for the government of the army, which they at first instituted, and have adopted a new one, sundry copies of which I enclose you.

"It is also their determination that the strictest discipline should be kept up in the army; that the soldiers should be daily trained and practised in their different manœuvres. An attention to these things, you will observe by the enclosed resolves, will be the likeliest way to attain promotion, and will be the surest recommendation to their notice.

"The committee of Congress to confer with you on the state of the army, &c. will set out to-morrow or next day, for Tyconderoga. To them I beg leave to refer you, and am with every sentiment of esteem and regard, sir,

"Your mo. obt. and very hble. servt.
"JOHN HANCOCK, *Prest.*

"Genl. Schuyler."

"*P. S.*—The attention of Congress has been so much taken up by our affairs at New-York, that I have not time to reply to your several letters, but hope I shall have leisure to do it by the next conveyance, and that Congress will soon determine on the subject of them. They are now in the hands of a special committee."

Ordered, That the said letters and resolves be committed to the committee to whom were referred the resolutions of Continental Congress for raising 4 battalions in this State to serve during the war, and that Mr. R. R. Livingston and Mr. Cuyler be added to the said committee.

The Auditor-General, by a note, informed the Committee that Col. Nicoll and Col. Palmer have, in their accounts of expenses and disbursements for transporting the cannon from New-York to Fort George last spring by order of the Provincial Congress, charged 24*s*. per day for their services, and requests the opinion of the Committee thereon.

The same was immediately taken into consideration.

Resolved, as the opinion of this committee, That Col. Nicoll and Col. Palmer be allowed 10*s*. per day each for their services and expenses while employed in that service.

A petition of James Wilson, late a sailor on board of a Continental privateer, setting forth his indigence, and praying for some relief:

Ordered, That the Secretaries pay him 3 dollars, and that the Treasurer be and is hereby directed to repay the Secretaries.

THURSDAY MORNING,
Octr. 10th, 1776.

The Committee met.

Present—Col. P. R. Livingston,* *Prest.*

Mr. Wm. Harper,* Dr. Crane, Col. Van Cortlandt, Major Lockwood, Mr. Paris, Mr. Contine,* Mr. Dunscomb,* Mr. Stephens, Mr. Adgate, Mr. Newkirk, Col. Allison, Mr. Moore,* Mr. Mills, Mr. Gansevoort, Mr. Roosevelt.

The letter from Genl. James Clinton of the 3d inst. relative to £27 11*s*. 2*d*. by him deducted from the pay of Capt. Robert Johnson's company, pursuant to an order of the Provincial Congress at New-York for the like sum paid to Edward Wm. Keirs, as expenses accrued by the apprehending of 13 deserters; and on reading the certificate of John Price, Junr. assistant paymaster, dated the 18th June last, that the sum of £34 13*s*. 4*d*. for the pay of thirteen deserters for one month, was deducted from the pay of the said company, and remained in the paymaster's hands.

Ordered, That Brigadier-Genl. James Clinton do pay to the said Robert Johnson the sum of £27 11*s*. 2*d*. by him deducted, and that the said sum of £27 11*s*. 2*d*. disbursed by the late Congress of this State for the apprehending the said deserters from the Continental army, be charged to the Continent, as being retained in the hands of the Continental Paymaster.

A letter from his Excellency John Hancock, dated the 2nd inst. inclosing resolutions of the Continental Congress of the 30th ulto. providing for the examination of candidates for the offices of surgeon and surgeon's mates in the army, was received, and referred, with its enclosures, to a committee, consisting of Mr. Roosevelt, Mr. Van Cortlandt and Mr. Adgate.

A letter from Genl. Greene, informing Congress that Adjutant Bradford, of Col. Hitchcock's brigade, had brought a horse from Long-Island, after the battle, which belonged to a tory named Jacob Wykoff, which would be delivered to their order, or disposed of as they should direct, was read, and referred to the same committee.

A letter from Col. Henry Remsen, dated the 26th Sepr. enclosing the accounts of Mr. Hallett, relative to his vessel chartered by the Committee of Safety, was read, and the consideration thereof ordered to be postponed until the meeting of the Convention.

A letter from Johans. Sleght, relative to the tea stored in Kingston, and requests some general regulation may be made concerning tea, was read, and the consideration in like manner postponed until the meeting of the Convention.

A letter from Comfort Sands, Esqr. the Auditor-General, requesting that two members be appointed and authorized, with the said Auditor-General, finally to settle and audit the accounts of Abm. Livingston, late contractor of provisions.

Mr. Evert Bancker and Col. Broome, who were formerly appointed a committee for that purpose, being absent;

Ordered, That Mr. Roosevelt and Mr. Newkirk be appointed a committee for that purpose.

A return of officers for three companies of rangers, to be raised in Tryon county, signed by John Fry, chairman, was read.

Ordered, That commissions issue accordingly.

Ordered, That Mr. Roosevelt, Mr. Dunscombe and Mr. Lockwood, be a committee to confer with Mr. Abraham Livingston about salting pork in Westchester.

Ordered, That commissions issue to the officers of the rangers of Gloucester and Cumberland counties.

THURSDAY AFTERNOON, *Octor. 10th*, 1776.

PRESENT—Col. Livingston, *Prest.*

Col. Van Cortlandt, Mr. R. R. Livingston, Mr. Newkirk, Mr. Paris, Mr. Abm. Yates, Mr. Adgate, Mr. Mills, Mr. Dunscomb, Mr. Moore, Mr. Gansevoort, Major Lockwood, Mr. Duane, Col. Allison, Mr. Wm. Smith, Mr. Contine, Dr. Crane, Mr. Webster, Mr. W. Harper, Mr. Sacket.

A letter from Tench Tilghman, by express, dated the 9th inst. was received, and is in the words following:

"HEAD-QUARTERS,
"*Harlem-Heights, 9th Octr.* 1776.

"GENTLEMEN—About 8 o'clock this morning the Roebuck and Phœnix, of 44 guns each, and a frigate about 20 guns, got under way from about Bloomingdale, where they have been laying some time, and steered on with an easy southerly breeze towards our chevaux-de-frise, which we hoped would have given them some interruption, while our batteries played upon them; but to our surprise and mortification, they all ran through without the least difficulty, and without receiving the least apparent damage from our forts, which kept playing on them from both sides of the river. How far they intend to go up, I dont know; but His Excellency thought fit to give you the earliest intimation, that you may put Genl. Clinton on his guard at the Highlands; for they may have troops concealed on board with intent to surprise those forts. If you have any stores on the water side, you had better have them removed a second time; boards especially, for which we shall be put to great straits if the communication should be cut off. The enemy have made no move on the land side.

"I am, gent. your mo. obt. servt.
"TENCH TILGHMAN.

"Honble. Committee of Correspondence
of New-York."

"Be pleased to forward this intelligence up the river, and to Albany. The two new ships are put in near Col. Phillips's; a party of artillery, with two 12 pounders and 100 riflemen, are sent up to endeavour to secure them."

John McDonald, the miner, having refused to receive the sum of £6, ordered on the 21st of Augt. last to be paid to him for the use of Donald Morrison,

Ordered, That the Treasurer of this State pay the said £6 to the said Donald Morrison, on his executing a bond to be prepared by the Secretary to Peter R. Livingston, Esqr. the President, conditioned for the payment thereof.

Resolved, That the commanding officer of the militia of Ulster county, do immediately send down 300 men of the militia of the county of Ulster, to Peekskill, well armed and accoutred, with three days' provisions.

Resolved, That the commanding officer on the south side of the mountains, or Highlands, in the county of Orange, be directed to order such a number of the militia from that part of the said county which lays on the south side of the Highlands, as will be sufficient to guard their shores; and to appoint a commissioner to supply them with provisions; and that the commanding officer on the north side of the Highlands, in the said county, order one hundred of the militia from the north side of the Highlands of the said county, to march without delay to Peekskill, taking with them three days' provisions.

Resolved, That Benjn. Haight and Mathew Harper be commissioners to supply them with provisions, and that this Convention will provide means for defraying the expense.

Resolved, That all the rangers raised in the county of Ulster repair immediately to Fishkill and be subject to the direction of the committee for inquiring into, detecting and depressing all conspiracies formed in this State against the liberty of America.

A draft of a letter to Genl. Schuyler and Genl. Clinton, was read and approved, and is in the words following, that is to say:

"*Fishkill, Octor. 10th*, 1776.

"SIR—I am directed by the Committee of Safety of this State, to inform your Excellency that yesterday three of the enemy's frigates passed the obstructions opposite to Mount Washington, and got up Hudson's river; that we have made, from time to time, such large drafts from the militia of the four counties adjoining that river, that the remaining well affected are reduced to a small number, and most of the disaffected in this State are on the east side of Hudson's river. A committee specially appointed for the purpose by the Convention of this State, are sitting daily to frustrate their machinations, and several who had enlisted, or engaged to enlist with the enemy, have been discovered, apprehended, and are sent to the westward. Many perhaps remain undiscovered; should the enemy and the disaffected be able to concert measures, so as to form a junction of the latter with a party from on board the ships in the river, the Committee of Safety are apprehensive of the want of a very speedy assistance, without a diminution of the main army; and have, therefore taken the liberty to despatch a copy of the enclosed resolution to each of the counties therein mentioned, and have directed me to request your Excellency would be pleased to give sach directions as, in case of necessity, may afford the most speedy succour.

"I have the honour to be,
"With the greatest respect."

Ordered, That two copies thereof be prepared, and one addressed to Genl. Clinton, and the other to Genl. Schuyler.

A draft of a letter to His Excellency Genl. Washington, was read and agreed to, and is in the words following:

"*Fishkill, 10th Octor.* 1776.

"SIR—We received from Mr. Tilghman an account of the enemy's ships having gone up the river, and have de-

spatched expresses to Genl. Schuyler and Genl. Clinton, agreeable to your Excellency's request. Nothing can be more alarming than the present situation of our State. We are daily getting the most authentic intelligence of bodies of men enlisted and armed, with orders to assist the enemy. We much fear that those coöperating with the enemy will seize such passes as will cut off all communication between the army and us, and prevent your supplies.

"We dare not trust any more of the militia out of this county. We have called for some aid from the two adjoining ones, but beg leave to suggest to your Excellency the propriety of sending a body of men to the Highlands or Peekskill to secure the passes, prevent insurrections and overawe the disaffected.

"We suppose your Excellency has taken the necessary steps to prevent their landing of any men from the ships, should they be so inclined, as no reliance at all can be placed on the militia of Westchester county."

DIE VENERIS, 9 HO. A. M.

Octor. 11*th*, 1776.

The Committee of Safety met pursuant to adjournment.

PRESENT—P. R. Livingston, Esqr. *Presidt.*
Mr. Dunscomb, Mr. Roosevelt—*New-York.*
Col. Van Cortlandt, Major Lockwood, Mr. Mills—*Westchester.*
Col. Livingston, Mr. Yates, Mr. Adgate—*Albany.*
Col. Allison—*Orange.*
Mr. W. Smith—*Suffolk.*
Dr. Crane, Mr. R. R. Livingston—*Dutches.*
Mr. Moore, Mr. Harper, Mr. Paris, Mr. Newkerk—*Tryon.*
Mr. Contine—*Ulster.*
Mr. Stevens—*Cumberland.*
Major Webster—*Charlotte.*

The resolution of yesterday for sending 300 men from Ulster county to Peekskill, being reconsidered,

Resolved, That the militia of the county of Ulster and the northern part of Orange county shall not continue in service longer than one fortnight after their arrival at their stations, within which time this Convention will provide ways and means to have them relieved from the more remote counties, from whom no immediate support can be derived

Resolved, That letters be written to the commanding officers of the counties of Fairfield and Litchfield in the State of Connecticut, informing them of the reasons that we have to apprehend insurrections in this State, if the measures of the disaffected should be seconded by the enemy who are now in Hudson's river, and requesting that they will hold their militia in readiness to lend us every necessary assistance in case of such an event.

Resolved, That a copy of the above resolution be sent to His Excellency Govr. Trumbull, and that he be requested to order the same to be carried into effect.

The draft of a letter to the commanding officers of Fairfield and Litchfield was read and approved of, and is as follows:

"SIR—Three of the enemy's ships of war having passed our fortifications near King's Bridge and proceeded up Hudson's river to within a few miles of the Highlands, and from the number of disaffected persons in this and Westchester county, we have reason to apprehend they meditate the landing some troops in this neighbourhood, and by that means give those deluded wretches an opportunity of joining them, and thereby forming a body superior to the few well-effected militia who are not drafted into the service. The zealous attachments of your militia to the common cause of America, and the willingness with which they stepped forth to the assistance of this State when called upon on a late occasion, render any arguments unnecessary to induce them to hold themselves in readiness to come to our aid, on the shortest notice requisite.

"I have the honr. to be, &c."

The resolution of inst. fixing the pay of Colonels Palmer and Nicoll at 6*s*. being reconsidered, it was

Resolved, That they be allowed 10*s*. per day each.

Resolved, That Saml. Arthur be and is hereby appointed inspector of flour in the northern part of Orange and southern parts of Ulster counties; that Dirck Wynkoop, Junr. Esqr. be and is hereby also appointed inspector of flour at Kingston; that each of them be governed by the regulations published in the last act of the General Assembly of the Colony of New-York until further order.

Ordered, That the President send for Messrs. De Witt, Tappen and Jo. Smith.

Resolved and Ordered, That Mr. Gerard Bancker, the deputy treasurer of this State, proceed to Philadelphia and apply to the Delegates of this State to receive the money lately voted to this Convention by Congress; that Mr. Bancker's receipt shall be a sufficient discharge for such sum as he may receive on account of this State in pursuance of this order; that Mr. Bancker take to his assistance Col. Birdsall; and that he be and is hereby authorized from time to time to procure any other guard or further assistance he shall think necessary for the safe conveyance of the said money to the treasury of this State. And,

Ordered and Resolved, That William Floyd, Esqr, one of the Delegates of this State, be and he is hereby authorized to draw on the treasury of this State for such sum of money as he may have present occasion for, and receive the same at Philadelphia out of the money lately voted to this State by Congress.

FRIDAY AFTERNOON, *Octr.* 11*th*, 1776.

The Committee met pursuant to adjournment.

PRESENT—Col. Livingston, *Presidt.*
Mr. Dunscomb, Mr. Mills, Mr. Lockwood, Col. Allison, Col. Livingston, Mr. A. Yates, Mr. Adgate, M. Contine, Mr. Moore, Mr. Harper, Mr. W. Smith, Mr. Schenk, Mr. Paris.

Ordered, That the Treasurer of this State advance to Ebenezer Woodhull the sum of 200 on account of the pay and subsistence of the Orange county troop of light horse some time ago called into service by Brigadier-Genl. Geo. Clinton, and that Capt. Woodhull be accountable for the expenditure thereof.

SATURDAY MORNING,

Oct. 12*th*, 1776.

The Committee met pursuant to adjournment.

PRESENT—Col. Livingston, *Presidt.*
Mr. Roosevelt, Mr. Dunscombe—*New-York.*
Col. Van Cortlandt, Mr. Mills, Major Lockwood—*Westchester.*
Col. Livingston, Mr. Yates, Mr. Adgate—*Albany.*
Col. Allison—*Orange.*
Genl. Bayley—*Gloucester.*
Mr. W. Smith, Mr. Gelston—*Suffolk.*
Mr. Moore, Mr. W. Harper, Mr. Paris, Mr. Newkerk—*Tryon.*
Mr. Contine—*Ulster.*
Mr. Schenk—*Dutches.*
Mr. Webster—*Charlotte.*
Mr. Stevens—*Cumberland.*

A letter from Genl. Clinton, dated the 10th inst. requesting that certain arrearages of bounty due to his brigade may be sent by Col. Hammond, was read, and committed to Col Allison, Mr. Schenk and Mr. Yates.

A letter from Col Hay, dated the 10th inst. requesting arms and provisions for his regiment, to enable them to resist the enemy, should they attempt to land from the ves-

sels on the western shore of Hudson's river, was read and referred to the same committee.

A long letter from John Sloss Hobart, dated at Fairfield the 7th inst. was received and read, and is in the words following, to wit:

"*Fairfield, Octor. 7th*, 1776.

"GENTLEMEN—I wrote to Convention from the camp at King's Bridge, giving an account of the progress I had made in negotiating the exchange of Genl. Woodhull; since which I have received the melancholy intelligence of his death. The wound in his arm mortified—the arm was taken off—but the mortification still continued, and in a few days put an end to that useful life. He was attended in his dying moments by his lady, who was permitted to remove the corpse to his seat, where it was interred about the 23d ulto. These particulars I have from Capt. Strong, of Islip, by whose door the procession passed in it way to St. George's.

"In a day or two after my arrival here, Genl. Clinton called upon me by desire of Genl. Washington, to attend at a council of war, to be held at New-Haven, from whence I returned not till Saturday evening. I shall unavoidably be detained two or three weeks, in order to get my family fixed for the winter, but in the mean time shall send Ketcham to the Highlands (say Fish Kills) as soon as a guard can be procured; at present every one is employed in forwarding the militia from New-Hampshire and Massachusetts, who are marching to the number of near 6,000 to join the main and grand armies.

"By some late accounts from Long island I learn that 200 infantry and 100 cavalry were at Huntington in order to force the people who had been in our army to join the British troops; this measure will drive the people to desperation, and if it can be accomplished most of them will quit the country. I hope Genl. Washington will attempt to assist them in it; much has already been done by Lieut. Col. Livingston, who, with the zeal and activity of an excellent officer has greatly assisted the people at the east end of the island in removing their families and effects, but many of them are without the means of support with them, which will occasion great difficulties, should a number more under the same circumstances come over, it will be too great a charge upon the charity of individuals in this State.

"The provision made by Convention is inadequate to the purpose of maintaining the indigent from the island, even supposing they were to remove into our own State; for certificates of indigency from the chairman of committees being necessary to entitle to maintenance, such cannot be had, for as soon as the necessity of removing took place, the committees universally declined acting, so that the resolve intended for their relief became of no effect, and they would fail of the intended relief in any part of New-York; but here where the purity of intention wherewith the Convention was actuated is not known. If the resolve stands in its present form I fear it will be construed into a design to delude the refugees and those who shall entertain them. Some further regulations are necessary if any thing is intended to be done for those unhappy sufferers. The Assembly of this State are to sit in a few days at New-Haven; and I trust will, upon application, give all the assistance we can reasonably ask. I hope Convention will not think me impertinently troublesome on this subject; my heart aches at every pore when I consider the deplorable situation to which the people whom I have the honour to represent are reduced—a people who, without boasting, were as warmly attached to the common cause, and who as cheerfully obeyed the orders of Convention as any in the State. Upon the retreat of the army from the island, they viewed themselves as abandoned by the Convention, the Continent, and expecting the enemy hourly among them, a general removal appeared impracticable; besides to quit their pleasant habitations and throw themselves, with their tender connections, upon the charity of an unknown world, was a degree of apathy to which they had not yet arrived. In a fit of despair they laid down their arms, and made an unconditional submission to what they supposed the inquiring army; the people at large being thus brought to terms, they found it less difficult by threats to induce the individuals who had formerly held commissions under the Crown of Great Britain to resume the execution of their offices; being well led into the snare, every measure tended to draw the *net* closer about them. Notwithstanding which, I am from the best authority informed that they are accused by Mr. Tryon and his minions of having submitted only the better to cover their intention of removing, and that unless the young men do voluntarily take up arms against their country, an inveterate and disappointed soldiery will be let loose upon them. These considerations induce me earnestly to wish that some measures may be taken to induce the people to quit the island, by offering a support to those who cannot maintain themselves—the aged and infirm must be maintained at the public expense.

"A regiment of Long island refugees would provide a support for many of the young men should the Convention adopt the idea; there are many officers in Genl. Scott's brigade who, together with some of Col. Smith's regiment now on this side, would make an exceeding good corps; should Genl. Washington send a body of troops on to the island, it will be necessary to destroy every thing that would be of service to the enemy to prevent its falling into their hands. I beg leave to submit whether it will not be proper to hold out the prospect of compensation in order to induce the people the more cheerfully to assist in destroying their own property.

"Give me leave before I conclude this long letter, to suggest the propriety of filling up the two vacant regiments, late McDougall's and Clinton's; your officers by the delay will loose the opportunity of raising so fast in the Continental army as those of the other States; there is some uneasiness in the first regiment on the subject of rank, that matter may now be accommodated to general satisfaction.

"I have the honr. to be,
"With the greatest respect, gentlemen,
"Your mo. obt. hble. servant,
JOHN SLOSS HOBART.

"To the Honble. the Convention of New-York."

Ordered, To lay on the table till Monday.

A letter from Saml. Ten Broeck, chairman *pro tem.* of the manor of Livingston, dated the 9th Octor. mentioning that the disaffected are numerous and troublesome; and stating the efforts that are making to apprehend them, was read.

Another letter from Saml. Ten Broeck, chairman, &c. dated the 10th inst. complaining of the outrages of the tories, and stating that any effort to apprehend them must prove ineffectual from the number of disaffected persons in each company, who give notice of the measures taken to secure them, and requesting that a company of 60 men be raised for that service, was also read.

A letter from Petrus Van Gaasbeck, chairman of the committee of the manor of Livingston, mentioning the outrages of the tories in, upon and into the houses of some of the inhabitants, was read.

Ordered, That the three last mentioned letters be referred to Mr. Adgate and Mr. Gelston.

A letter from Wm. Paulding dated the 10th inst. a letter from John Gavino, also a letter from Rynier Van Howten of the 9th inst. relating respectively to Capt. Underhill, a disaffected person in Westchester county, were read.

Ordered, That the above mentioned three letters be referred to the committee for detecting and defeating conspiracies.

The committee to whom was referred the resolutions of

Congress of the 30th Sepr. and the letter from the Honble. John Hancock of the 2nd of Octr. made a report of a letter to the Continental Congress, which was read, and the consideration thereof postponed until Monday.

The committee to whom was referred the letter from Genl. Greene relative to the horse brought from Long island by Wm. Bradford, adjutant to Col. Hitchcock's regiment, reported.

On motion of Wm. Duer,

Resolved, That the members of Convention furnish themselves with arms and ammunition to prevent a surprise.

Ordered, That Mr. Moore view the arms in Mr. Sackett's care, at the landing, and report the state in which they are, and the number.

A certificate from Saml. Tudor, Stephen Seaman and seven other persons at the ship yards at Poughkeepsie, dated the 10th inst. was read They thereby certify that William Warne hath continued there the time directed by the Convention, during which time he hath laboured diligently, and behaved himself peaceably and quietly, and otherwise much to their satisfaction; and they recommend him to the favour of the Convention.

Ordered, That the said certificate be referred to the committee appointed for detecting conspiracies, &c.

The committee, &c. reported the following by way of resolves:

"Your committee to whom was referred Brigadier-Genl. Clinton's and Col. A. H. Hay's letters of the 10th Octor. inst. beg leave to make the following report:

"*Resolved*, That the levies of 100 men orded to be raised in the northern part of Orange county for the defence of the fortifications at Peekskill and in Westchester county, be ordered to march immediately, and put themselves under the command of Col. Hay at Haverstraw, on the west side of Hudson's river in Orange county.

"*Resolved*, That 500 dollars be sent to Col. Hay on account of supplies for the troops under his command, and beg leave to offer the following draft of a letter enclosing the foregoing resolves.

"With respect to the letter of Genl. Clinton, your committee also beg leave to submit the following draft of a letter in answer thereto."

An answer to the letter from Col. Hay, was read and approved of, and is in the words following, to wit:

"*Octor. 12th*, 1776.

"SIR—I am directed to inform you that yours of the 10th inst. came to hand. You will see by the resolve of this House, copy of which you have enclosed, that a reinforcement of 100 men from the north part of Orange county, are to join you as soon as they can be levied. I am also directed to send you by the bearer, Mr. Van Houten, $500 for the Commissary, to buy provisions for the troops, a sum probably less than you may want, but we hope before you have expended this our treasury will be replenished, or your troops ordered to be victualled by the Continental Commissary.

"I am. sir, your mo. obt. servant.

"COLO. HAY."

A letter from Tench Tilghman, dated the 9th inst. concerning 10 tons of gunpowder, at Windsor, and another letter from same person, dated 10th inst. mentioning that the enemy's ships still continue laying off Tarry Town, were read.

Ordered, That Mr. Van Cortlandt, Mr. Contine and Mr. Duane be a committee to secure the powder mentioned in Mr. Tilghman's letter, and remove it to a place of safety.

The Committee of Safety were informed by a member, that Is. Ketcham lately ordered by the Convention of the State to be sent to this place under guard, is now in the guard-house, under the care of Capt. Parks' company.

Ordered, That Is. Ketcham, be left to the disposition of the committee for detecting conspiracies.

A draft of a letter to Saml. Ten Broeck, Esqr. chairman of the committee of the manor of Livingston, was read, and is as follows:

"IN COMMITTEE OF SAFETY,
"For the State of New-York,
"*Fishkill*, 12*th Octr.* 1776.

"SIR—Yours of the 9th and 10th inst. have been received, and laid before the Committee. They had some days before been convinced that more effectual measures were necessary to be taken for the safety of your district, and had come into the enclosed resolutions, copies of which were sent forward on the 8th inst.

"It is hoped instead of the number of men you request the company ordered to be raised will be sufficient to answer every purpose intended. In the mean time, I am directed to assure you that the Committee will afford you every necessary assistance iu their power.

"I am, sir, &c.

"SAML. TEN BROECK, Esqr. &c."

SATURDAY AFTERNOON, *Octor. 12th*, 1776.

The Committee met pursuant to adjournment, and adjourned till to-morrow morning.

SUNDAY MORNING,

Octr. 13th, 1776.

The Committee met according to adjournment, and adjourned till to-morrow morning, *to go to church*.

MONDAY MORNING,

Octor. 14th, 1776.

PRESENT—Col. Livingston, *Prest.*

Mr. Roosevelt, Mr. Dunscomb, Mr. Duane, Mr, Harper, Mr. Jay—*New-York.*

Mr. Mills, Colo. Van Cortlandt—*Westchester.*

Mr. A. Yates, Mr. Gansevoort, Mr Cuyler, Mr. Adgate, Colo. Livingston—*Albany.*

Mr. Moore, Mr. Harper, Mr. Paris, Mr. Newkirk—*Tryon.*

Mr. Wm. Smith, Mr. Gelston—*Suffolk.*

Mr. Sackett, Mr. R. R. Livingston—*Dutches.*

Mr. Webster, Mr. Duer—*Charlotte.*

Major Parks, M. Contine—*Ulster.*

Colo. Allison—*Orange.*

Mr. Stevens—*Cumberland.*

Colo. Bailey—*Gloucester.*

Mr. Moore reported that he had been at the landing, and viewed the arms in Mr. Sackett's care; that out of 63 arms and 2 barrels, 13 appear to be fit for immediate use, with a little cleaning and repair; the rest are in very bad order.

Ordered, That the 13 arms be immediately repaired by Mr. McCavery, and that the rest of the arms be sent to Poughkeepsie, to Mr. Jno. Schenk, who is requested to get them repaired, and sent down to this Convention without delay.

A letter from Thomas Randall, dated the 10th inst. accompanying a letter from Thos. Quigley, lieutenant of the schooner Putnam, dated 6th inst.

Ordered, That a copy of the resolution directing the sale of the said schooner, be transmitted to Capt. Randall.

Mr. Gelston informs that 1,000lbs. of gunpowder which had been sent by this State into Suffolk county, is removed to Say Brook, in Connecticut; that there is also a quantity of saltpetre in that State, which he had purchased in Suffolk county for the State.

Ordered, That Mr. Gelston and Mr. Duane be a committee to inquire into the state of, and devise ways and

means to secure the gunpowder and saltpetre lately removed from Suffolk county into Connecticut, mentioned to the Convention by Mr. Gelston; and also to inquire where the arms are which were removed from that county by Colo. Livingston.

Mr. Gelston further informed, that he has in his hands 225 dollars, belonging to this State, which he received of Colo. Josiah Smith, of Suffolk county, being part of the gross sum advanced to Colo. Smith, to discharge the one-half of the bounty engaged to his regiment.

Ordered, That Mr. Gelston pay the said 225 dollars to the Treasurer of this Convention, and take his receipt for the same, which shall be a full indemnification for Mr. Gelston for the same.

A letter from Wm. Floyd, dated at Haerlem, the 11th inst. enclosing two resolutions of Congress: the one relative to Genl. Schuyler, the other respecting clothing for the troops.

A letter from our Delegates at Congress, dated the 7th inst. enclosing Mr. Hunter's receipt for 100,000 dollars, to be by him conveyed to this Convention; which sum was received by the Secretaries in the absence of the Treasurer, who gave their joint receipt for the same, and this morning the money was by them delivered to the Treasurer.

Whereas, it hath become absolutely necessary for the defence of this State, that a body of troops should, without delay, be assembled at or near this place: And whereas, accommodations for the said troops cannot be speedily provided in any other manner than by putting them in houses or buildings belonging to the public: And whereas, the house owned and built near this place by the donations of divers well disposed persons, for the purpose of an academy for the education of youth, hath not, for a long time past, been applied to that use, but is now only occupied as a dwelling house by the Reverend Mr. Chauncey Graham, who formerly presided over the said academy: And whereas, notwithstanding the pressing necessity this Convention hath for the use of the said house has been communicated to Mr. Graham by a committee of this house, he declines relinquishing the possession thereof; and it being inconsistant with the duty which this house owe to their constituents to permit individuals to occupy public buildings when the same are wanted for public use: Therefore,

Ordered, That the said Revd. Mr. Chauncey Graham, do, within one week from this day, remove from the said academy.

Resolved, That the sum of £40 be paid to the said Chauncey Graham as a compensation for the trouble and expense he may be put to by the aforesaid order.

Resolved, That the committee appointed for the purpose, be directed forthwith to put the said house in a proper state for the reception of troops, and that the sum of £100 be paid into their hands for that purpose.

Colo. Luddington informed a member that he has 20 or more arms taken from disaffected persons, now in his possession, and requests to know how they shall be disposed of.

Ordered, That Colo. Luddington send all the arms in his possession, (taken from disaffected persons,) to this committee, without delay, and that he send his account for repairing them to the Auditor-General.

On motion of Mr. Duane,

Resolved, That Genl. James Clinton, commanding the fortresses in the Highlands, be requested to give directions that all boats passing up and down the river, be diligently searched, and the passengers carefully examined, and such as shall be suspected secured; and that for his passes, besides the usual sentries, a barge be manned and kept in motion in the river opposite to each fort, every night; and that the General be further requested to give orders for taking up and securing in a place of safety, all the row boats, barges and small craft, between the forts in the Highlands and the army, to prevent those falling into the enemy's hands, and their gaining intelligence.

Ordered, That a copy be sent to General Clinton.

The committee apppointed on the 12th inst. to have the gunpowder lately brought to New-Windsor landing removed to places of safety, reported,

"That there is not any quantity of gunpowder belonging to the public now at that landing. That they are informed that the 5 tons of gunpowder which arrived at New-Windsor from Philadelphia, was immediately carried down to Fort Constitution, and there lodged, from whence part of it, by order of the commanding officer, has been taken to Fort Independence, and placed in such manner as to supply the troops or militia there. That the powder brought from the mill of Messrs. Wisner and Phillipse to New-Windsor, was immediately put on board of a proper vessel for the purpose, to be transported to Spytden-Duyvel creek. Mr. Phillips, one of the manufacturers, proceeded with the vessel with the powder. The enemy's ships having got up the river before the vessel with the powder could reach her destination. Information is received that Mr. Phillips, who was at Peekskill with the powder, intended to land it there, and proceed by land. That a letter has been sent by Mr. McKesson, one of the Secretaries, to the owners of the two powder mills near Goshen, requesting them not to send any gunpowder to the river side until further order."

Ordered, That a copy of this report be immediately sent to Genl. Washington.

Ordered, That Mr. Contine be added to the lead and brimstone committee, and that three of the said committee be a quorum.

Certain resolutions proposed by Mr. R. R. Livingston for purchasing all the stock and grain in Westchester county, were read and agreed to, and are in the words following, that is to say:

Resolved, That a commissary be appointed immediately to repair to the county of Westchester, to purchase all the cattle fit for the use of the army within that county, and drive them down to the army at King's Bridge, as fast as they may be wanted; provided that so much shall be left as is absolutely necessary for the support of the families from whom the same shall be taken.

Resolved, That if any person shall refuse to part with his cattle, at a reasonable price, that the commissary be directed to drive them down to the army, and return to the owner the money for which they sold, after deducting the contingent charge.

Resolved, That all the hides of the cattle so driven and killed, be carefully preserved, and sent to some safe place on the north side of the Highlands, where, being appraised by persons hereafter to be named for that purpose, they shall be paid for by the State.

Resolved, That the said commissary be directed to swear, truly and to the best of his skill and ability, to perform the trust above reposed in him, and that the chairman, or deputy chairman, of the committee for the county of Westchester, be empowered to administer the oath, and give a certificate thereof.

Resolved, That Mr. Stephen Ward be commissary, and that he be allowed a reasonable compensation for his expense and trouble, in the execution of the above resolves.

Resolved, That Gil. Budd Horton, Alexander Hunt, James Varian and Joseph Youngs be appointed commissioners to drive all the horses, hogs, sheep and cattle from those parts of the county of Westchester, which lay upon the Sound, or Hudson's river, and which are any way exposed to the enemy, and to billet them out upon the farms that lay in the interior part of the county till the same can be otherwise disposed of, and that a reasonable compensation be allowed them for their trouble.

Resolved and Ordered, That the farmers in the county of Westchester, immediately thresh out all their grain, as

the straw will be absolutely necessary for the use of the army; and as those who do not comply with this resolution, will be in danger of having their straw taken for the use of the army, even though the same should not be thrashed.

Resolved, That His Excellency Genl. Washington be empowered to order any straw in the county of Westchester, to be taken for the use of the army, paying to the owners a reasonable compensation therefor.

Resolved, That the chairman, or deputy chairman, of the county of Westchester, for the time being, on application from the Commissary-General, be empowered to take so much of the grain in the county of Westchester as shall be necessary for the use of the army, allowing to the owners thereof the now current price, and paying them upon the delivery; provided always, that so much shall be left in the hands of the owners as will be sufficient to support their families for nine months and to perfect the fattening of such hogs, as may now be actually put up for that purpose.

Resolved, That His Excellency Genl. Washington in case that the cattle, hogs, sheep, horses, or hay, in the county of Westchester should be in danger of falling into the hands of the enemy, be empowered either to remove it or them therefrom, or if that should not be practicable, to destroy the same.

Resolved, That the commissary or commissaries hereby appointed, be empowered to appoint agents under them, and to call upon any officer commanding any part of the militia, for such detachments of the men under his command, as will be necessary to carry the same into execution.

Resolved, That Mr. Stephen Ward apply to the Commissary-General for such sums of money as will from time to time be necessary to carry the above resolves into execution.

Resolved, That a copy of the above resolutions be sent to His Excellency Genl. Washington, and to the Commissary-General, requesting their assistance in carrying the same into execution.

Monday Afternoon, *Octor.* 14*th*, 1776.

Present—Col. Livingston, *Prest.*

Mr. Roosevelt, Mr. Duane, Mr. Dunscomb, Mr. Harper—*New-York.*

Mr. W. Smith, Mr. Gelston—*Suffolk.*

Mr. Webster—*Charlotte.*

Mr. A. Yates, Mr. Cuyler, Col. Livingston, Mr. Adgate—*Albany.*

Mr. Allison—*Orange.*

Mr. Stevens—*Cumberland.*

Mr. Contine, Major Parks—*Ulster.*

Col. Van Cortlandt, Judge Graham, Mr. Mills—*Westchester.*

Colo. Bailey—*Gloucester.*

Mr. R. R. Livingston, Mr. Landon—*Dutches.*

Mr. Moore, Mr. Harper, Mr. Paris, Mr. Newkirk—*Tryon.*

[There is no business entered on the minutes for this afternoon.]

JOURNAL

OF THE

PROVINCIAL CONVENTION.

TUESDAY MORNING,
Octor. 15th, 1776.

The Convention met.

Present—Colo. LIVINGSTON, *Prest.*

Mr. ROOSEVELT, Mr. DUNSCOMB, Mr. HARPER, Mr. JAY, Mr. DUANE—*New-York.*

Mr. R. R. LIVINGSTON, Mr. LANDON, Mr. SACKETT, Mr. SCHENK—*Dutchess.*

Mr. CUYLER, Mr. A. YATES, Mr. ADGATE, Colo. LIVINGSTON—*Albany.*

Mr. WISNER, Col. ALLISON—*Orange.*

Mr. DUER, Mr. WEBSTER—*Charlotte.*

Mr. W. SMITH, Mr. GELSTON—*Suffolk.*

Judge GRAHAM, Colo. VAN CORTLANDT, Mr. MILLS—*Westchester.*

Mr. STEPHENS—*Cumberland.*

Mr. CONTINE, Mr. PARKS—*Ulster.*

Mr. MOORE, Mr. HARPER, Mr. PARIS, Mr. NEWKIRK—*Tryon.*

Colo. BAILEY—*Gloucester.*

A letter from the Honble. John Hancock, dated the 9th inst. was received and read in the words following, to wit:

"*Phila. Octor. 9th*, 1776.

"GENTLEMEN—The enclosed resolves, which I transmit, in obedience to the commands of Congress, will inform you of the ample provision they have made for the support of both officers and soldiers, who shall enter into the service during the war. The pay of the former is considerably increased, and the latter is to receive annually a complete suit of clothes; or in lieu thereof, the sum of 20 dollars, should he provide the suit for himself. This additional encouragement, besides the 20 dollars bounty and 100 acres of land formerly granted, the Congress expect will be the means of engaging the troops to serve during the war. For this purpose, also, I am to request you will appoint a committee or committees to repair immediately to the army to induce such of the troops as have been raised by your State, to enlist during the war, and to appoint officers for the same.

"The Congress, for very obvious reasons, are extremely anxious to keep the army together. The dangerous consequence of their breaking up, and the difficulty of forming a new one, are inconceivable. Were this barrier once removed, military power would quickly spread desolation and ruin over the face of our country.

"The importance, and, indeed, the absolute necessity of filling up the army, of providing for the troops, and engaging them to serve during the war, is so apparent, and has been so frequently urged, that I shall only request your attention to the resolves of Congress on this subject, and beseech you, by that love you have for your country, her rights and liberties, to exert yourselves to carry them speedily and effectually into execution, as the only means of preserving her in this her critical and alarming situation.

"I have the honour to be, gentlemen,

"Your mo. obt. and very hble. servt.

"JOHN HANCOCK, *Prest.*

"Honble. Convention of New-York."

Sundry resolutions of Congress, from the 2nd inst. upwards, enclosed in said letter, were also read.

A printed set of resolutions of Congress, relating to loan officers, and dated the 2nd and 7th inst. were also read.

A letter from Tench Tilghman, dated the 13th inst. was read.

An account of John Simmons, innkeeper, for maintaining Israel Youngs, Isaac Youngs, Isaac Ketcham and Henry Dawkins, from the 15th May to 13th July last, amounting to £44 6*s.* 6*d.* which was sworn to by the said John Simmons, and allowed by the Auditor-General, was read.

Ordered, That the Treasurer of this State pay to John Simmons the amount of the within account, and that the same stand charged to be repaid by the within mentioned Isaac Ketcham, Israel Youngs, Isaac Youngs and Henry Dawkins, or some or one of them, in such manner as shall be hereafter ordered.

A draft of a letter to the Delegates of this State at Congress, was read and approved.

[Letter not entered on the minutes.]

WHEREAS, this Convention is informed that the records of the city and county of New-York, as well as the records of the county and the records of the borough of Westchester, are at present lodged in private houses in the county of Westchester, whereby they may be exposed to the enemy, who have landed in that county:

Ordered, That Wm. Miller, Theo. Bartow and John Cozine, be and hereby are appointed commissioners for removing, with all possible expedition, all the said records to Kingston, in Ulster county, and there placed in the care of Dirck Wynkoop, Abraham Hasbrouck and Christopher Tappen, Esqrs.; that the said commissioners apply either to the troops raised for the protection of that county, or to the militia, for a proper guard to attend the said records in their removal, which said troops or militia are hereby directed to furnish such guard as may be necessary for that purpose.

Whereas Major Henry Schenk, at the request of sundry of the members of this Convention and of the late Committee of Safety, lent and advanced 500 dollars to Roeloff Van Houten, to be applied to the maintenanance and support of the militia or troops employed to guard the shore at Haverstraw, in Orange county,

Ordered, That Peter Van B. Livingston, Esqr, as Treasurer, pay unto Major Henry Schenk the sum of 500 dollars, by him advanced to Colo. Hay to support the troops or militia employed to guard the shore at Haverstraw.

Certain returns of muster rolls of companies of rangers raised in the counties of Tryon, Albany and Cumberland, were produced to Convention and a request made for an order on the Treasurer for money to pay the remaining moiety of the bounty to the said rangers.

Ordered, That Mr. Gansevort, Mr. Webster and Mr. Duane be a committee to take the said muster rolls and report thereon to the Committee of Safety, who are hereby authorized to proceed thereon.

A letter from a committee of Congress to purchase clothing was read, and is as follows:

"*Phila. October 7th*, 1776.

"Gentlemen—The committee appointed to carry into execution the enclosed resolves can think of no method so proper for the State of New-York as to apply to the Convention, and for that purpose we do send you 10,000 dollars, and desire you to appoint proper persons in the several districts to execute the same.

"And if upon trial you find that more clothing may be had than this money will purchase, you may have more by applying to this committee.

"Signed,

"ROBT. TREAT PAINE, "WM. WILLIAMS,
"WILLIAM ELLERY, "ARTHUR MIDDLETON,
"G. WYTHE. "LYMAN HALL,
"WILLIAM FLOYD, "GEO ROSS.
"JOSIAH BARTLETT,

"To the Honble. the Convention of the State of New-York."

The resolutions therein contained, dated the 19th June and 25th Sepr. 1776, for providing clothing for the troops, were also read.

Ordered, That the said sum be paid into the treasury and the papers committed to Mr. Cuyler, Mr. Dunscomb and Mr. Newkerk.

Resolved, That one month's pay and rations be allowed to Major Hoisington. Therefore,

Ordered, That the Treasurer of this State do pay to Mr. Stephens, member from Cumberland county, for the use of Major J. Hoisington, one month's pay as major, amounting to and the further sum of for one month's rations, at the rate of 21*s*. 4*d*. per week.

On motion of Mr. Duer,

Resolved, That a committee of three be appointed immediately, by ballot, to proceed to the camp at King's Bridge and New-Jersey for the purposes mentioned in the resolutions of Congress relative to appointing officers; that another committee of three be appointed to go to Ticonderoga for the same purposes.

The Convention proceeded to ballot. Whereupon it appeared that the gentlemen hereafter named were duly elected for the respective committees. Therefore,

Resolved, That Mr. Jay, Judge Graham and Mr. Robt. Harper be the committee to proceed to King's Bridge; and that Mr. Duane, Mr. Cuyler and Mr. Robert Yates be the committee to proceed to Albany and Ticonderoga.

Resolved, That the committee appointed to repair to King's Bridge be directed and empowered to carry into execution the resolves of Congress relative to the enlisting of troops; that the committee appointed to repair to Albany be vested with similar powers; and that both committees, together with Mr. Duer, be a committee for carrying into execution the resolves of Congress relative to the new arrangement of officers.

Ordered, That Mr. R. R. Livingston prepare and report a draft of an answer to the letter from Prest. Hancock; and that he have leave of absence for eight days from the time of his departure; that Mr. Harper have leave of absence for one month from the time of his departure.

Whereas the Convention of the State of New-York did, on the day of last, by resolve, order the sum of for the use of the contingent charges of the county of Charlotte, payable to the order of the county committee of Charlotte county, signed by the chairman and countersigned by the clerk, which sum has not yet been paid: And whereas the said county of Charlotte is now in immediate want of the said money. Therefore,

Ordered, That the Treasurer of this State pay to William Duer and Alexr. Webster, Esqrs. the sum of taking their receipts for the same.

Resolved, That 8*s*. 6*d*. per pound be given by this Convention to every person for saltpetre made between this day and the 1st of January, 1778, of materials collected within this State; the maker to swear to this before the chairman of the county, or the inspector of saltpetre; also a bounty of 1*s*. per pound for all powder made of saltpetre brought into this State from the neighbouring States, or from abroad, within the time above mentioned.

Tuesday Afternoon, 15*th Octor*. 1776.

Convention met.

Present—Colo. Livingston, *President*.

Mr. Roosevelt, Mr. Dunscomb, Mr. Harper, Mr. Jay, Mr. Duane—*New-York*.

Colo. Allison, Mr. Wisner—*Orange*.

Mr. A. Yates, Mr. Gansevoort, Colo. Livingston—*Albany*.

Mr. Landon, Mr. Sacket, Mr. Schenk, Mr. R. R. Livingston—*Dutches*.

Mr. Wm. Smith, Mr. Gelston—*Suffolk*.

Judge Graham, Colo. Van Cortlandt, Mr. Mills—*Westchester*.

Mr. Duer, Mr. Williams—*Charlotte*.

Mr. Contine, Mr. Parks—*Ulster*.

Mr. Harper, Mr. Paris, Mr. Newkirk—*Tryon*.

Colo. Bailey—*Gloucester*.

On motion of Mr. Jay,

Resolved, That another member be chosen by ballot and added to the committee appointed to repair to King's Bridge to carry into execution the resolves of Congress relative to the enlisting of troops. The ballots of the several counties having a representation present, being taken and told, Colo. Dewitt appeared to be duly elected. Therefore,

Resolved, That Colo. Dewitt be added to that committee.

Resolved and Ordered, That Colo. Pierre Van Cortlandt be added to the committee appointed on the day of Sepr. last, for the detecting and defeating conspiracies.

Ordered, That Mr. Jay have leave of absence to assist in removing his aged parents, with their effects, out of danger of the enemy, and that in the mean time his attendance at New-York with the committee appointed to carry into execution the resolves of Congress relative to the enlisting of troops be * * *

Mr. Jay, seconded by Mr. Duane, moved that a Vice-President be appointed by ballot; which was agreed to. The Convention then proceed to ballot; and upon counting the votes, it appeared that Colo. Van Cortlandt was duly elected. Thereupon,

Resolved, That Colo. Pierre Van Cortlandt be and he is hereby appointed Vice-President of this Convention.

Mr. Robert R. Livingston moved certain resolutions relative to hides, which were amended and agreed to, and are in the words following, that is to say:

WHEREAS large numbers of cattle are supplied by this and the eastern States for the use of the armies at New-York and Ticonderoga: AND WHEREAS the hides of most or all of the cattle driven from the eastern States, and many of those purchased on contract in this State, are, by the contractors, sent into the State of Connecticut, and those killed at the northern posts for the use of that army, are, for the most part, as this Convention are informed, wasted for want of proper care. Great exertions have been made in the northern parts of this State to supply the army at Ticonderoga with shoes; and it is also necessary to provide in time for the quota of troops raised within this State; from which circumstance, the article of leather is already nearly exhausted, must become exceeding scarce and dear, and leave part of the army, which depends upon this State, distressed: AND WHEREAS the inhabitants of this State are by these means reduced to the greatest distresses for the want of that necessary article: Therefore,

Resolved, That the Delegates of this State, state the facts to the Honourable the Congress, and requesting that this State may be at liberty to send a commissary to Ticonderoga and Fort George, in order to take charge of this necessary article, for which this State are willing to allow the price at which they shall be appraised, after deducting the expense attending the care and transportation thereof, and that they obtain a resolution of the Honourable the Congress, directing the deputy quarter-master in that department to give them such assistance as will be necessary for securing the same.

WHEREAS Major Henry Schenk was some time since appointed by the Convention of this State to purchase flour and transmit the same to the Commissary-General for the use of the army: AND WHEREAS the flour which was manufactured is by this time, in all probability, purchased, and the attendance of Major Schenk as one of the Representatives of this State, is necessary: Therefore,

Resolved, That Major Schenck be, and he is, hereby discharged from that agency, or any further attendance on that business.

Resolved, That the words "State of New-York" which was ordered by the resolutions of this Convention of the day of last to be altered on the plates for the emission of bills of credit of this Convention be printed in the said bills with types only.

Major Schenck, Mr. Newkirk, Mr. Adgate, Mr. Dunscomb, Mr. Webster, Mr. Contine, Genl. Bailey, Mr. Wm. Smith, Colo. Allison and Mr. Mills, was appointed a Committee of Safety for this State until the meeting of Convention. That five members with the President be a quorum. That the Committee of Safety having 20 members present, may do every act which the Convention may do, except forming a government.

JOURNAL

OF THE

COMMITTEE OF SAFETY.

WEDNESDAY MORNING,
Octor. 16th, 1776.

Committee of Safety met pursuant to adjournment.

Present—Colo. Livingston, *Prest.*
Mr. Harper, Mr. Dunscomb, Mr. Jay—*New-York.*
Colo. Allison, Mr. Wisner—*Orange.*
Mr. A. Yates, Mr. Adgate, Mr. Gansevort—*Albany.*
Colo. Van Cortlandt, Judge Graham—*Westchester.*
Mr. Smith—*Suffolk.*
Mr. Moore, Mr. Harper, Mr. Paris, Mr. Newkerk—*Tryon.*
Mr. Contine, Mr. Parks—*Ulster.*
Mr. Webster, Mr. Duer—*Charlotte.*
Mr. Landon, Mr. Schenk—*Dutches.*
Colo. Bailey—*Gloucester.*

The Revd. C. Graham came into the Convention and complained of great hardships in consequence of the order for his removal out of the academy.

Ordered, That Colo. Allison and Mr. Moore proceed to the academy to consult with Mr. Graham, and determine whether he can remain a few days therein, and what part he shall occupy.

On motion,

Resolved, That a commissary be immediately appointed to provide for the troops coming up to this place, and that Henry Wyckoff be the person during the will and pleasure of this House.

Resolved, That an express be immediately despatched to Peekskill, with orders that all the troops, except two companies, which are ordered up to this place, remain at Peekskill until further orders.

Ordered, That Colo. Van Cortlandt and Mr. Wisner do immediately proceed to Peekskill to provide quarters for the troops there, and to assist the engineer in pointing out the places in the Highlands most proper to be fortified.

Resolved, That two companies of those troops, now coming, be subject to the direction of the committee for detecting conspiracies, &c. till further orders.

Resolved, That the said committee be authorized at their discretion to call out such part of the militia of this State for fatigue men as they may think necessary.

Two letters of intelligence, one from Mr. Tilghman, the other from Mr. Harrison, the General's secretary, dated at Head-Quarters, the 14th inst. were read and returned to the committee of correspondence.

A letter from Colo. Hay, at Haverstraw, dated 15th inst. giving an account of the state of his regiment, and of the motions of the enemy's ships, was read.

Ordered, That the President write to Colo. Hay and inform him that a detachment of 100 men of the militia for the northwest side of the mountains, are marched to the banks of Hudson's river, on the south of the mountains, and that he direct Colo. Hay to drive all the stock, (which are in danger of falling into the hands of the enemy,) to the interior part of the county.

Ordered, That the Treasurer of this State advance to Mr. Robert Harper the sum of 100 dollars for the purpose of carrying into execution the resolve of Convention of the 3d inst. concerning the manufacturing of flax belonging to this Convention, and that Mr. Harper account for the expenditure thereof.

The committee to whom were referred the resolutions of Congress of the 30th Sepr. and 1st Octor. relative to surgeons and surgeon's mates, and the call of the U. S. for all the absent members to attend, and Genl. Greene's letter relative to a horse in his possession, taken from a tory on Long island, reported the following drafts of letters, which were read and approved, and ordered to be transmitted:

"In Committee of Safety,
for the State of New-York.

"Sir—We have received your favour of the 7th inst. respecting the horse taken by Wm. Bradford, adjutant to Colo. Hitchcock's regiment, which you inform us is the property of one Jacob Wyckoff, who has joined the enemy. As the horse is now in your possession, and you are in want of one, we desire you will have him appraised and kept in your service until some future determination of the Convention or future Legislature of this State, relative to the disposition of the property of all such persons as have or hereafter may join the enemy, that may fall into our hands.

"The bravery of the adjutant will then also be considered.

"I am, with great respect, sir,
"Your mo. obt. servt.

"To Major-Genl. Greene."

The letter to the Honble. John Hancock, Esqr. President of the Continental Congress, reported as aforesaid by the same committee, was in the words following, to wit:

"Sir—The Convention were honoured with yours of the 2nd inst. enclosing some resolves relative to surgeons for the army, and urging the necessity of a full representation at Congress. If by a full representation nothing more is meant or intended than such a number of Delegates from State as will entitle each of them to a vote, this Convention hope that the recommendation is complied with by this State, since they have always directed so many gentlemen to remain at Philadelphia as will answer that purpose. If on the other hand, it is expected that all the Delegates of this State should attend this Convention, though fully satisfied of the propriety of such a requisition, must beg the Honourable the Congress to excuse their non-attendance at present; the critical situation of this State, equally endangered by open and secret enemies, rendering it extremely improper to deprive the Convention of the assistance of any gentleman whose abilities may be of service to it, at least till the army is arranged and measures taken to form and establish some more permanent government than we now enjoy. These considerations, we flatter ourselves, will have some weight with Congress, and not only induce them to admit our excuse for not permitting such of our Delegates as are now here to attend at Philadelphia, but to defer any matter in which this State is particularly interested, (when the general cause of America will safely admit of such delay) till they are more fully represented.

"Drs. John Jones, Saml. Bard and Malachi Treat, were appointed by this Convention to examine all surgeons, or surgeons' mates that entered into the service of this State; no warrant or commission has been given to any in that capacity unless they produced a certificate of their examination, signed by at least two of those gentlemen, setting forth that they were fully qualified to discharge their duty in their stations, excepting a few late instances, when they could not be obtained by reason of those gentlemen being dispersed in different parts of the county and could not attend, in which case five or six have been admitted on the examination of one only.

"Yours, &c.

"By order.

"The Honble. John Hancock,
Prest. &c. &c. &c."

Wednesday Afternoon, *Octor.* 16*th*, 1776.

The Committee of Safety met.

Present—Colo. Livingston, *Prest.*
Mr. Adgate, Mr. Abm. Yates—*Albany.*
Mr. Wisner, Colo. Allison—*Orange.*
Colo. Bailey—*Gloucester.*
Mr. Wm. Smith, Mr. Gelston—*Suffolk.*
Mr. Mills, Judge Graham—*Westchester.*
Mr. Contine, Mr. Parks, Mr. Wisner—*Ulster.*
Mr. Webster—*Charlotte.*
Mr. Landon, Mr. Schenk—*Dutches.*
Mr. Moore, Mr. Harper, Mr. Sacket—*Tryon.*

Mr. Duer informed the Committee that his attendance on the committee for detecting conspiracies, &c. is so absolutely necessary as not to admit of his going down to Peekskill for the purpose to which he was appointed this morning in conjunction with Colo. Van Cortlandt, to provide quarters for the troops there, and assisting the engineer in pointing out the grounds proper to be fortified, and therefore prays that Mr. Wisner be appointed in his stead.

Ordered, That Mr. Wisner be appointed in the stead of Mr. Duer.

Mr. Wisner informed the Committee that he had taken upon himself to employ some persons to repair the roads in the northern part of Orange county leading to the fortifications in the Highlands, and requests to know the sense of the Committee on the propriety of this measure, and whether they shall be directed to go on in the said necessary work.

Resolved, That this Committee do approve of Mr. Wisner's conduct, and that the persons employed by Mr. Wisner continue to repair the said roads, and that this Convention will defray the expenses.

A person attending by direction of Genl. Mifflin for the advice of the Convention, relative to a quantity of bricks, shingles, boards, and other stores, on board vessels somewhere in the river near the Highlands.

Ordered, That Mr. Schenk make the necessary inquiry and assist the man.

Ordered, That Mr. Schenk provide vessels to transport those troops which were intended to have come to this place back to Peekskill.

A letter from John Sloss Hobart, Esqr. dated at Fairfield, Octor. 8th, 1776, setting forth the state and circumstances of the sloop Montgomery, and of the sum of money necessary for paying off the wages of the crew, and other expenses. Thereupon,

Ordered, That the sum of £800 be transmitted by Mr. Gelston to Mr. Hobart at Fairfield, or such other person as Mr. Gelston may think safe and prudent, in the absence of Mr. Hobart, to be advanced to Capt. Rogers for defraying the expenses of fitting out and paying off the wages of the officers and crew of the sloop Montgomery.

Report of the committee sent to consult with the Revd. Mr. Graham, relative to the academy ordered for the use of the troops, and to view the said building, was read and postponed till to-morrow morning.

THURSDAY MORNING,
Octor. 17*th*, 1776.

The Committee met pursuant to adjournment.

Present—Colo. Livingston, *President.*
Mr. Roosevelt, Mr. Dunscomb—*New-York.*
Colo. Livingston, Mr. Gansevoort, Mr. Adgate, Mr. Abm. Yates—*Albany.*
Mr. Wm. Smith, Mr. Gelston—*Suffolk.*
Mr. Moore, Mr. Harper—*Tryon.*
Major Landon—*Dutchess.*
Mr. Contine, Mr. Wisner—*Ulster.*
Mr. Webster, Mr. Duer—*Charlotte.*
Colo. Allison—*Orange.*
Colo. Bailey—*Gloucester.*

A letter from Richd. Varick, Esqr. secretary to General Schuyler, dated Octor. 14th, 1776, enclosing a copy of a letter from General Arnold to Genl. Schuyler, giving a particular account of the action on Lake Champlain, between the enemy's fleet and ours, on the 12th inst. was read, and is in the words following, that is to say:

"*Schuyler's island, Octo. 12th,* 1776.

"Dear General—Yesterday morning at 8 o'clock the enemy's fleet, consisting of one ship mounting 16 guns, one snow mounting the same number, one schooner of 14 guns, two of 12, two sloops, a bomb ketch, and a large vessel, (that did not come up,) with 15 or 20 flat bottomed boats, or gondolas, carrying one 12 or 18 pounder in their bows, appeared off Cumberland Head. We immediately prepared to receive them; the gallies and Royal Savage, were ordered under way, the rest of our fleet lay at anchor. At 11 o'clock they ran under the lee of Valcour, and began the attack. The schooner, by some bad management, fell to leeward, and was first attacked; one of her masts was wounded, and her rigging shot away; the captain thought prudent to run her on the Point of Valcour, where all the men were saved. They boarded her and at night set fire to her. At half past 12 the engagement became general and very warm. Some of the enemy's ships, and

all their gondolas beat and rounded up within musket shot of us; they continued a very hot fire, with round and grape shot, until 5 o'clock, when they thought proper to retire to about 6 or 7 hundred yards distance, and continued the fire until dark. The Congress and Washington have suffered greatly; the latter lost her first lieutenant killed, captain and master wounded; the New-York lost all her officers, except her captain; the Philadelphia was hulled in so many places that she sunk in about one hour after the engagement was over. The whole killed and wounded amounts to about 60. The enemy landed a large number of Indians on the island and each shore, who kept up an incessant fire on us, but did little damage. The enemy had, to appearance, upwards of 1,000 in batteau prepared for boarding. We suffered much for want of seamen and gunners. I was obliged myself to point most of the guns on board the Congress, which I believe did good execution. The Congress received seven shot between wind and water; was hulled a dozen times, had her main mast wounded in two places, and her yard in one. The Washington was hulled a number of times; her main mast shot through, and must have a new one. Both vessels are very leaky and want repairing.

"On consulting with Genl. Waterbury and Colo. Wigglesworth, it was thought prudent to return to Crown Point; every vessel's ammunition being nearly three-fourths spent. At 7 o'clock Colo. Wigglesworth, in the Trumbull, got under way. The gondolas and small vessels followed, and the Congress and Washington brought up the rear. The enemy did not attempt to molest us. Most of the fleet is this minute come to an anchor; the wind is small to the southward; the enemy's fleet is under way to leeward, and beating up. As soon as our leaks are stopped, the whole fleet will make the utmost despatch to Crown Point, where I beg you will send ammunition, and your further orders for us. On the whole, I think we have had a very fortunate escape, and have great reason to return our humble and hearty thanks to Almighty God, for preserving and delivering so many of us from our more than savage enemies.

"I am, &c.
"B. ARNOLD.

"*P. S.* I had not moved on board the Congress when the enemy appeared, and lost all my papers, and most of my clothes on board of the schooner. I wish a dozen batteaux well manned could be sent immediately, and tow up the vessels in case of a southwardly wind.

"I cannot in justice to the officers in the fleet omit mentioning their splendid conduct during the action.

"B. A."

A letter from Jacobus Lansing, Junr. of Albany, dated at New-Windsor Octr. 11th, 1776, directed to the Deputies of Albany, setting forth the defenceless state of the city of Albany, and suggesting the propriety of erecting some fortifications, and supplying them with some field pieces, was read and committed to Messrs. Adgate, Allison and London.

Two certificates from the committee of Walkill, dated Sepr. 11th, 1776, and signed by William Wilkin, chairman, the one that Henry Wisner, Junr. has at his mill manufactured 9,184lbs. of powder, agreeable to the resolve of Congress. The other that Henry Wisner, Junr. and Morris Philips have erected a mill and manufactured agreeable to resolve of Congress: committed to Mr. Contine and Mr. Moore.

The committee to whom was referred a conference with the Revd. Chauncey Graham, and to examine into the particular state of the public academy in this town, in consequence of a resolve of this House of the 13th inst. wherein the said Revd. Chauncey Graham was ordered to move out of the said academy in one week's time, in order that the same might be occupied by the troops, ordered here by this Convention submitted it as their opinion that the following resolve be entered into by this House.

Resolved, That whereas it appears to this committee to be exceedingly inconvenient for the Revd. Chauncy Graham to remove his family out of the public academy in this town on so short a notice, at this difficult season, as hath been allowed him by a former resolve of this House, he is therefore hereby permitted to occupy the eastermost room on the lower story of said academy, one fortnight from this day, provided he permit the soldiers to have the use of the out houses.

Resolved, That the said Chauncey Graham be permitted to take the sashes and glass out of three of the windows in said academy that are not in the rooms now occupied, relying on his word to this House, that he will replace the same in good order when thereunto required by this Convention, or a future Legislature of this State, or whenever the said academy may be converted to the uses it was originally intended for.

Resolved, That there be allowed unto the said Revd. Chauncey Graham, an equal number of boards as purchased by him for the use of the academy since his last residence there, and also as many nails as shall or may appear to have been used by said Graham in working up said boards into partitions or otherwise, for the conveniency of said house.

The committee to whom was referred the claim of Mr. Nichs. Bayard, for providing an office for securing the records of this State, for a guard room for the guard appointed to watch the said records, and for firewood and candles supplied the guard, have taken the same into consideration, and thereupon agreed to the following resolutions.

Resolved, That there be allowed to Nichs. Bayard for providing an office for securing the public records of this State, a guard room and firewood and candles supplied the guard over the said records, the sum of £50.

Ordered, That the Treasurer of this State, cause to be conveyed to Nichs. Bayard, Esq. by the first safe opportunity the sum of fifty pounds, pursuant to the above resolution, and procure his receipt for the same.

Resolved, That the Treasurer of this State, do on application of either of the persons respectively named in the resolutions of the Committee of Safety on the 9th instant, for the purpose of purchasing clothing in the counties of Westchester, Orange, Dutches, Ulster and Albany, advance to each of them respectively, the sum of £100, taking their receipt for the same.

Mr. Wyckoff who is appointed commissary to the troops in this place, requested an order for two bushels of salt for the use of said troops.

Ordered, That Major Terboss deliver to Mr. Henry Wyckoff or his order 2 bushels salt for the use of the troops at Fishkill; Mr. Wyckoff to pay for the same agreeable to the regulated price of that article in this county.

An additional resolution relative to the persons to superintend the printing the bills of credit was read and agreed to, and is as follows to wit:

WHEREAS in the resolution of this Convention of the 13th August last, for the emission of 500,000 dollars in bills of credit, it was among other things,

Resolved, That Isaac Roosevelt cause to be administered to the printer of said bills, by the President of this Convention, a certain oath therein prescribed:

AND WHEREAS the want of money in the treasury renders it necessary to carry the said resolution into immediate execution, and Samuel Loudon, the intended printer thereof, being now absent, and therefore cannot take the said oath,

Resolved, therefore, That the said Isaac Roosevelt do cause the printing of said bills to commence with the foreman and other workman of the said Saml. Loudon; and that he appoint two persons to attend the printing thereof, to whom, instead of the printer thereof, shall be adminis-

tered, by the President of this Convention, the following oath:

"I, A. B. do solemnly swear by the Almighty God, that from the time that the letters were set and fit to be put in the press for printing the said bills of credit, until the bills were printed and the letters afterwards distributed into the boxes, I was present in the absence of the other; and that both of us did not at any time leave the room in which the said letters were without locking them up, so that they could not be come at without violence of a false key or other art unknown to us; and therefore, to the best of our knowledge, no copies were printed off but in the presence of one or both of us; and that all the blotters and other papers whatsoever, impressed by the said letters whilst set for printing the said bills, to the best of our knowledge are delivered to the said Isaac Roosevelt, together with the stamps; and in all things relating to this affair we have demeaned ourselves honestly and faithfully to the best of our knowledge and understanding: so help me God."

Ordered, That Mr. Dunscomb have leave of absence for four or five days.

THURSDAY AFTERNOON, 17*th Octor.* 1776.

The Committee met pursuant to adjournment.

PRESENT—Colo. Livingston, *President.*

Mr. Contine, Mr. Adgate, Colo. Bailey, Mr. Gelston, Mr. Yates, Judge Graham, Mr. R. Harper, Mr. Newkirk, Major Lockwood, Mr. Gansevoort, Mr. Mills, Mr. Wisner, Mr. Webster, Colo. Allison, Mr. Moore, Mr. Paris, Mr. Wm. Smith, Mr. Landon.

An account of Jacamiah Allen was produced for guarding the cannon at King's Bridge; referred to Messrs. Lockwood, Moore and Landon.

WHEREAS the time limited by the Honourable the Continental Congress for the sale and consumption of bohea tea on hand, proved too short for that purpose, whereby large quantities of that commodity remained unsold and unconsumed in the Colony, to the great loss and damage of the proprietors thereof: AND WHEREAS the said proprietors or tea holders in the city of New-York, did, by a memorial or petition to the committee of that place, represent the difficulties they were reduced to by reason of that article of the association, and praying their interposition in their behalf: AND WHEREAS the said committee of the city and county of New-York did transmit the said representation to the Congress of the Colony of New-York, and did certify the same to be worthy their attention: AND WHEREAS the said Congress finding on inquiry that divers of the inhabitants of the said Colony would be greatly injured unless a further time was allowed for the consumption of tea, did instruct their Delegates in Continental Congress to endeavour to obtain a resolve of Congress for that purpose: AND WHEREAS the said tea holders did among other things, allege in favour of their application, that many of them would, unless relieved, be ruined by being prohibited the sale of the said tea, which was a perishable article; that they were fast friends to the American cause, and had been induced to import a more than usual quantity of that article with a view the better to oppose and defeat the designs of the ministry and India Company in selling tea in the Colonies subject to duty; that they would be content to sell the remaining stock on hand at the former current price; that had they been permitted to vend it, they would have employed the moneys arising from the sale of it in importing divers commodities very necessary to the defence of the Colonies, and if indulged in selling the same would immediately set about it: AND WHEREAS the Continental Congress, moved by considerations of justice as well as policy, did finally grant the prayer of the said petitioners, and lest any evil disposed persons might take undue advantages of the scarcity of tea which would necessarily take place from its future importation being prohibited, they wisely limited the price of all bohea teas at ¾ of a dollar, and that of the other teas at such prices as would be fixed by the committees; allowing by the said resolve a generous and more than usual price for the tea on hand, and thereby compensating the owners for any losses they might have sustained by not being permitted to sell the same in the interval between the expiration of the time limited for its consumption and the date of the resolve annulling that resolution: AND WHEREAS divers of the said tea holders, not content with the advanced price of tea allowed by the Congress, and forgetting the patriotic principles which induced them to import it, as well as the services they once intended to do their country by speedily turning that perishable article into money and employing those sums in the importation of articles essential to the defence of the United States of America, have refused to dispose of their stock of tea on hand, designing to postpone the sale thereof until such time as an artificial scarcity shall induce the good *women* of this State to tempt them to vend it by offering exorbitant prices: AND WHEREAS others of the said tea holders have already, in various and manifold instances, sold tea for double the price allowed by the Congress, and by involving so many in a transgression of the said resolve expect to escape the just punishment demanded by it: AND WHEREAS the said unjustifiable and mercenary practices of the said tea holders, hath in many instances brought upon them the resentment of the people, and many riotous proceedings have thereby been occasioned, to the great disturbance of the quiet and breach of the peace and good order of the community: AND WHEREAS monopolies and forestalling designed to create an artificial scarcity, and distressing the people, deprive them of their property, have ever been justly deemed proper objects of reprehension, and called for the interposition of the Legislature: This Convention for the reason aforesaid find themselves constrained by the great duties they owe their constituents, and the General Congress to effectually provide that the said resolve be no longer violated in this State, and the more so as the Congress of the Colony of New-York were solicited by the said tea holders to use, and did exert, their influence to obtain it.

Resolved, therefore, That the committees of the several counties within this State do forthwith take into their custody from every tea merchant, shop keeper, or other person or persons whatsoever in this State, all the bohea tea which shall be found in their possession, over and above the quantity of 25lbs. respectively, and appoint some respectable person or persons to retail the same in small quantities to any persons that may apply to purchase the same at the rate of 6*s.* per lb and that the money arising by such sale be paid to the said committee, and by them kept for and delivered to the proprietor of such tea, on his application in person or by order for the same.

That the person or persons appointed to retail the said tea be authorized to demand and receive from the purchasers thereof 3*d.* per lb. for his or their expense and trouble in executing the trust hereby reposed in him or them. That the person or persons so to be appointed, shall take an oath for the faithful discharge of the trust hereby reposed in him or them, before the chairman of the county committee, and give security to the said chairman, to pay to the said committee the money he or they may or shall receive for the tea, so by him or them sold agreeable to the above resolutions.

That the person or persons to be appointed to sell the said tea, do not sell more than 12lbs. to any one person for the use of any one family. That if any of the tea holders, or their agents within this State, in order to prevent its being sold at the above mentioned price to evade the intent of those resolves, or for any other reason or purpose whatsoever, shall hereafter export or import out of or into this State, any India tea, shall forfeit double the value thereof to the committee of the county, out of or into which the same shall be exported or imported. That public notice shall be given by the person or persons appointed as afore-

said, to sell the said tea at least ten days before he or they open the same for sale, that those who want may have an equal chance of being supplied.

The same was agreed to by the House.

Resolved, That the rangers ordered from Ulster county to this place be subject to the order and direction of the committee appointed for the detecting conspiracies, &c.

The committee to whom was referred the request of Dr. Osborne for medicines for the use of the regiment commanded by Colo. Jacobus Swartwout, made the following report.

"WHEREAS, your committee are informed by said Doctor Osborne, that part of the men under the command of Colo. Jacobus Swartwout, in General Clinton's brigade in Continental service, are in great distress for want of medicines, and that Colo. Swartwout had requested Dr. McKnight, one of the Continental hospital surgeons to supply his regiment with the same, who hath requested said doctor Osborne to apply to this Convention, your committee agreeable to the powers given by the Convention, have thought proper to supply and have supplied the said Dr. Osborne with lbVI. sal cathartus, and lbs cortex peruviana, out of the store of medicines belonging to this Convention, for which your committee have taken a receipt from Dr. Osborne; which said receipt amounting to the sum of £3 6*s*. 0*d*. together with the orders from Colo. Swartwout and Doctor McKnight, respecting the same, your committee now here produce."

Ordered, That the said receipt and orders be filed with the Treasurer of this State, and that he charge the said £3 6*s*. 0*d*. to Continental account.

A letter from Joshua Ambler, chairman of the committee of Poundridge in Westchester county, dated the 15th inst. informing that there is danger of the prisoners of war going off to the enemy, as one of them is already gone off to Long island. Thereupon,

Resolved, That Major Lockwood repair immediately to Poundridge and Bedford, in Westchester county, to inquire into the state of the prisoners of war confined there, and if he should find it necessary, that he cause the privates to be conveyed under a proper guard to Woodbury, in the State of Connecticut, and the officers who are prisoners on parol, to Danbury in the same State. Major Lockwood to be furnished with the blank parols, to be by him filled up, for all of the said prisoners as are confined there on parol. The old parols to be cancelled, and that Major Lockwood at his discretion settle with and advance to the prisoners the rations and other provisions allowed by the resolve of Congress, as may appear to him to be justly due to them.

FRIDAY MORNING.

Octor. 18*th*, 1776.

The Committee of Safety met pursuant to adjournment.

PRESENT—Peter R. Livingston, *Prest.*
Col. Allison—*Orange.*
Mr. Adgate—*Albany.*
Mr. Mills, Mr. Lockwood—*Westchester.*
Mr. Smith, Mr. Gelston—*Suffolk.*
Mr. Paris, Mr. Moore—*Tryon.*
Mr. Contine, Mr. Wisner—*Ulster.*
Mr. Webster—*Charlotte.*
Mr. Landon—*Dutches.*
Colo. Bailey—*Gloucester.*

Mr. Duer brought into Committee an affidavit sworn to by William B. Alger, lieutenant in Capt. Durlin's company in Col. Humphrey's regiment, setting forth that a certain Jacob Dean in Charlotte precinct, has refused to receive the paper emission of the Continental Congress in payment for a parcel of deer's leather, which the said Alger had bought from the said Jacob Deane. Thereupon,

Ordered, That the committee appointed for inquiring into and defeating conspiracies, &c. be requested to cause the said Jacob Deane to be apprehended and brought before them to be examined and dealt with as to them shall seem meet.

Mr. Gelston informed the Committee that he, as one of the committee appointed by the resolution of the Congress for the purpose of purchasing saltpetre in Suffolk county, for the use of this State, requested that sixty pounds may be advanced him on account to pay for a certain quantity of saltpetre by him purchased. Thereupon,

Ordered, That the Treasurer of this State advance to David Gelston, Esq. the sum of £60, to enable him to pay for a certain quantity of salpetre purchased on account, and for the use of this State, pursuant to a resolution of the Congress of this State, and that Mr. Gelston give his receipt to account for the said sum.

The committee to whom was referred the account of Jacamiah Allen, for guarding the cannon at King's Bridge, reported that they have examined into the said accounts, and from what appears to them, they think Mr. Allen's account ought to be paid. Referred to the consideration of the Convention.

Mr. Moore from the committee to whom was referred the certificates from the chairman of the committee of Walkill precinct, relative to Mr. Wisner's having manufactured 9,184 pounds of gunpowder delivered in their report, which was read and agreed to.

Ordered, That the Treasurer of this State pay to Henry Wisner Junr. Esqr. the sum of £459 4*s*. 0*d*. for the bounty on 9,184 pounds of gunpowder manufactured by him, between the 1st day of March to the 9th day of June last, as appears by the certificate of William Wilkins, chairman of the committee of Walkill in Ulster county.

Mr. Allen from the committee appointed to establish and employ riders between this place and Head-Quarters, for the purpose of obtaining daily intelligence, delivered in their report relative to the persons and the terms on which they agreed with them to ride, &c. The same was read and agreed to. Therefore,

Resolved, That the Auditor-General do, until further order of this House, audit from time to time the accounts, and allow to Odel, Michl. and John Crygier, each 16*s*. per day for performing the services of post riders from the time of their riding first commencing, that is Odel, from the 17th Sept. last, Mitchel, from the 18th, and John Cregier from the 19th of same month.

FRIDAY AFTERNOON, *Octor*. 9*th*, 1776.

The Committee met pursuant to adjournment.

PRESENT—Colo. Livingston, *Prest.*
Mr. Landon—*Dutches.*
Colo. Bailey—*Gloucester.*
Mr. Yates, Mr. Adgate, Colo. Livingston—*Albany.*
Mr. Mills—*Westchester.*
Mr. Wm. Smith—*Suffolk.*
Colo. Allison—*Orange.*
Mr. Webster—*Charlotte.*
Colo. De Witt, Mr. Contine—*Ulster.*
Mr. Moore, Mr. Paris—*Tryon.*

SATURDAY MORNING.

Octo. 19*th*, 1776.

The Committee met pursuant to adjournment.

PRESENT—Colo. Livingston, *Prest.*
Mr. Jay—*New-York.*
Colo. Allison—*Orange.*
Mr. Smith—*Suffolk.*
Mr. Abm. Yates, Mr. Adgate, Colo. Livingston, Mr. Gansevort—*Albany.*
Mr. Mills—*Westchester.*

Colo. Bailey—*Gloucester.*
Mr. Contine, Mr. Wisner, Junr.—*Ulster.*
Mr. Moore, Mr. Paris, Mr. Newkirk—*Tryon.*
Major Landon, Mr. Schenk, Mr. Sacket, Capt. Platt—*Dutches.*
Mr. Duer, Mr. Webster—*Charlotte.*

A letter from General Schuyler, dated at Saratoga, Octr. 16th, containing the intelligence of the destruction of our fleet on Champlain, was read, and is in the words following:

"*Saratoga Octr. 16th, 1776, 6 o'clock in the afternoon.*

"SIR—By a letter from Generals Gates and Arnold, I am advised of the total destruction of our fleet on Lake Champlain, and that it is beyond doubt that the enemy mean to attack our army at Ticonderoga. I have written to General Ten Broeck to march up the militia under his command, and I have also applied to that of the neighbouring States. General Gates wishes to be sustained by an army of 10 or 12,000 of them. It is certainly of the highest importance that all the militia that can be spared should march up without delay, either to support General Gates, if there should be time, or to cover his retreat should he be reduced to the necessity of quitting his ground; and I must therefore intreat your aid. Permit me to suggest that I believe the Convention's moving to Albany would be attended with good consequences.

"I am sir, most respectfully,
"Your obt. hble. servt,
"PHIL. SCHUYLER.

"To the Honble. ABM. YATES, Esqr.
President of the Convention."

Ordered, That copies of said letter be sent to Congress and General Washington by express.

A letter from the marine committee of the Continent, dated the 12th inst. signed by John Hancock, Robert Morris and seven others, was read, relative to the safety of the Continental ships building at Poughkeepsie.

Ordered, That a copy thereof be immediately transmitted to the superintendent there.

A letter from Govr. Morris, dated at Boonton, 13th Octr. 1776, assigning reasons for his non-attendance, and enclosing a letter from Treasurer Lott, dated the 9th inst. assigning the reasons for his non-attendance, with his accounts agreeable to order, [was received and read.]

A letter from Tench Tilghman, Esqr. dated the 17th inst. directed to Mr. Duer of the committee of intelligence, was read.

General Bailey had leave of absence.

Ordered, That Colo. Luddington deliver the 19 guns taken from the disaffected persons, to James Weeks, who is requested to keep them in his care till further order.

Mr. Contine delivered in the muster roll of Capt. Dewit's company of Ulster county rangers, and requested the remainder of the bounty. Ordered to be paid.

Ordered, That the said muster roll be referred to the Auditor-General to be first audited.

A petition of Christian Colles for £40 or £50, to enable him to set up his wire works, was read.

Ordered, To lie on the table.

A motion was made by Mr. Moore for ammunition for the Tryon county rangers. Nothing done thereon.

Resolutions to appoint a committee to proceed to Albany and concert measures with Genl. Schuyler for the defence of the northern frontier of this State, was read and agreed to, and is in the words following, to wit:

IN COMMITTEE of Safety for the State of New-York, *Fishkill, Octor. 19th, 1776*

WHEREAS, information has been received by this committee from the Honble. Major-Genl. Schuyler, commanding the Continental army in the northern department, of the total destruction of our fleet on Lake Champlain, and that it is beyond doubt that the enemy mean to attack our army now at Ticonderoga: AND WHEREAS it is of the utmost importance to the safety of this State, and to the general cause of America, that the legislative authority of this State should make the most vigorous and decisive exertions for repelling the progress of the enemy's arms, and for preserving the lives, liberty and property of the good people of this State, from falling a sacrifice to a tyrannical, merciless and savage enemy: AND WHEREAS the Convention of this State did on the 15th inst. appoint out of their body, a Committee of Safety, with full powers to transact all such business, and exercise such authority as should more immediately concern the safety of this State:

Resolved, That a committee be forthwith appointed to repair to the city of Albany, in order to cooperate with Major-General Schuyler on devising and carrying into execution all such measures as they shall deem most effectual for repelling the invasion of the enemy's army on the northern and western frontiers of this State, and that for this purpose, they be invested with full powers to call out the whole, or any part of the militia of the counties of Tryon, Charlotte, Cumberland, Gloucester and Albany, to such place or places as they shall think proper and necessary.

Resolved, That Colo. Van Rensselaer, with the detachment of his militia now at the house of Jno. Carpenter, in Charlotte precinct, postpone his march till such time as he shall receive orders from the committee appointed by the Convention of the State of New-York, for the purpose of inquiring into, detecting and defeating all conspiracies formed in the State of New-York against the liberties of America.

Resolved, That the colonels of all the regiments of militia, or in their absence, the next commanding officer in Ulster county be forthwith ordered to hold their regiments in readiness with three days' provisions, to march at a moment's warning.

Resolved, That the officers and men of the militia so called out, shall be entitled to Continental pay and rations during the time they are actually in service.

Resolved, That it be earnestly recommended to the committees of Albany, Tryon, Gloucester, Charlotte and Cumberland, to give all possible aid to the commanding officers of their respective militia, in calling out and equipping the said militia, and that the said committees do carry into execution all such other measures as to them shall be recommended by the committee hereafter named.

Resolved, That Brigr. Genl. Abm. Ten Broeck, Evert Bancker, Jacob Cuyler, John Bleecker, John Taylor, James Duane, Robt R. Livingston, Robert Yates, Christopher Yates, John Ten Broeck, Volkert Veder and Wm. Harper, Esqrs. be the committee for the purpose of carrying into execution the above resolutions; and that any four of them with a chairman be a quorum.

Ordered, That a letter be written to Major-General Schuyler, inclosing him a copy of those resolutions; and that copies of the same be immediately transmitted to the committees of Albany, Tryon, Gloucester, Cumberland and Charlotte, and to Robert R. Livingston, Esq. who is earnestly requested to proceed to Albany, and to give notice to the other gentlemen above mentioned of their appointment.

SATURDAY AFTERNOON, *Octr. 19th,* 1776.

The Committee met pursuant to adjournment.

PRESENT—Colo. Livingston, Mr. Adgate, Mr. Abm. Yates—*Albany.*
Genl. Bailey—*Gloucester.*
Mr. W. Smith—*Suffolk.*
Colo. Allison—*Orange.*
Mr. Mills—*Westchester.*
Mr. Contine, Mr. Wisner, Junr.—*Ulster.*
Mr. Moore, Mr. Paris, Mr. Newkirk—*Tryon.*
Mr. Schenk, Mr. Landon—*Dutches.*
Major. Webster—*Charlotte.*

On motion of Mr. Contine,

Ordered, That Robert Boyd, chairman of Ulster county, pay unto Capt. Jacob R. Dewitt the remaining half of the bounty due to his company, out of the money in his hands.

Ordered, That each member be allowed to take one of the guns now at Capt. Weeks's for his own present use out of those 19 delivered there by Colo. Luddenton.

Ordered, That Mr. Sacket be requested to send up a box of catridges to this place, out of the store at the landing.

Resolved, That Colo. Van Cortland and Mr. Wisner be authorized to impress as many pickaxes, stubbing hoes, spades or shovels, or any other intrenching tools that may be wanted at the works at or near Peekskill, in the Highlands, they paying the value thereof, or returning the same to the proprietors.

Resolved, That the colonels of all the regiments of militia, or in their absence, the next commanding officer in Ulster county, be forthwith ordered to hold their regiments in readiness, with three days' provisions, to march at a moment's warning.

MONDAY MORNING.

21*st Octr.* 1776.

The Committee met pursuant to adjournment.

PRESENT—Colo. Livingston, *Prest.*
Colo. Brasher, Mr. Roosevelt—*New-York.*
Colo. Allison—*Orange.*
Colo. Livingston, Mr. Gansevoort, Mr. Yates, Mr. Adgate—*Albany.*
Mr. Contine—*Ulster.*
Mr. Smith—*Suffolk.*
Mr. Moore, Mr. Paris—*Tryon.*
Major Landon, Major Schenk—*Dutches.*
Mr. Mills—*Westchester.*
Colo. Duer, Major Webster—*Charlotte.*

Mr. Duer, seconded by Mr. Gansevoort, moved that the Secretaries be ordered to postpone the printing and publishing of the salt and tea resolves, which were agreed to in this Committee on the as the Committee of Safety did not then consist of a sufficient number of members to determine any reports which had originated in the Convention of this State.

Debates arose, and the question being put thereon, it was carried in the negative.

Mr. Abraham Yates, seconded by Mr. Wm. Duer, moved that the printing and publication of the resolves relative to salt and tea be postponed for further consideration.

Debates arose, and the question being put thereon, it was carried in the affirmative. Therefore,

Resolved, That the Secretaries do postpone the publications of the said resolves till further orders.

A certificate of Mr. Gerard Bancker, Deputy Treasurer, in the words following, was read:

"I do hereby certify that the pay roll of Captain Jacob Rutzen De Witt's company, amounting to five hundred and ten pounds seventeen shillings and six pence half-penny, has been by me carefully examined, that the amount of it as now corrected is right. That he has produced to me a certificate of his and his lieutenants, having taken the oath prescribed by a resolution of Convention of the 23rd July last, to be taken previous to his receiving his pay; and that the charges for pay and subsistence are in his said roll, made agreeable to the aforesaid resolution.

"GERARD BANCKER.

"*Fishkill, 21st October*, 1776."

Ordered, That the Treasurer of this State pay to Capt. Jacob Rutzen Dewit, the remaining half bounty due to his company of rangers raised in Ulster county; as also the sum of £510 17*s.* 6½*d.* for pay and subsistence, agreeable to the muster roll of the said company, as by Mr. Bancker examined and certified this day to be right.

An account of Petrus Bogardus against the Continent, for transporting with his sloop Capt. Daniel Runnels' company of 80 men, of Colo. Tash's regiment of troops in Continental service, from Fishkill in Dutches county, to the works at Red Hook on Hudson river, with their baggage, which account amounts to £4, was produced and read.

A certificate of Capt. Daniel Runnels that 80 men and their baggage had been transported in the said sloop from Fishkill to Red Hook aforesaid, was also read, and it appeared to the Committee of Safety that the said sloop was engaged and taken up to transport the said troops at the request of two of the field officers of that regiment, who were then present, and from necessity for despatch and because they found that part of the regiment too much fatigued to march through the Highlands. Therefore,

Ordered, That the Treasurer of this State pay to the said Petrus Bogardus, or his order, the sum £4, taking his receipt for the same, and that the Treasurer charge the same to Continental account.

"Mr. Abraham Yates from the committee to whom was referred the muster rolls of the different corps of rangers in the counties of Albany, Tryon and Charlotte, beg leave to lay before this Committee of Safety, the following facts.

"That on the 23d of July 1776, the Convention ordered the raising of a number of rangers in the several aforesaid counties, the officers and men on Continental pay, the captain 16*s.* the lieutenant 14*s.* and each non-commissioned officer and private 10*s.* a week in lieu of all subsistence, with an addition of a bounty of $25, to each non-commissioned officer and private. That the officers and privates were to furnish themselves with one good musket or firelock, powder horn, bullet pouch, tomahawk, blanket and knapsack, one-half the bounty to be paid to every able bodied man when he shall pass muster, the other half to be remitted by this Convention to the said respective county committees, to be by them issued to the captain of their respective companies and immediately distributed to the men.

"That the officers before they receive their warrant, take an oath before the chairman of the county committee from whence he is recommended, that he will once in every month, or as soon after the expiration of any month as possible, transmit to the Convention, or future Legislature of this State, a muster roll of the names of every officer and private under his command, and the respective times of their enlistment and service. Your committee on perusing the returns find that it does not appear that the officers have been qualified agreeable to the said resolve, nor does it appear as it ought to do, that either the officers or men have furnished themselves with a musket or firelock, powder-horn, bullet pouch and tomahawk, blanket and knapsack.

"Notwithstanding which your committee beg leave to suggest, that from the dangers this State is in from our external as well as internal enemies, and the great usefulness of the rangers to this State if they are diligent and faithful, it would be imprudent if not dangerous, to defer the payment of the bounty, subsistence and pay to the rangers, and therefore propose the following resolve.

"*Resolved*, That the sum of £600 be remitted to the committee of the county of Albany, £1,900 to the committee of the county of Tryon, and £600 to the committee of the county of Charlotte, to enable them to discharge the pay, bounty and subsistence of such able bodied men enlisted in the rangers furnished, and accoutred agreeable to the aforesaid resolve. The county committee of each of those counties to be accountable to the Convention, or future Legislature of this State for the expenditure of those moneys, and to return complete accounts of the expenditure and disbursements thereof, as particular and expeditiously as possible, therein distinguishing between bounty pay and subsistence; and that it be recommended to the several committees, that none of these moneys be paid to either officers or men, until a proper muster roll be made out under the oaths of the captain or commanding officer

and other officers of each company, if not already sworn before their receipt of their warrants, that so many able bodied men are enlisted and accoutred in each company in this manner aforesaid.

"*Resolved*, That the several committees be furnished with copies of the aforegoing report and resolves."

Which report being agreed to, it was,

Ordered, That the Treasurer of this State advance to John Moore, Esqr. the sum of £1,900, to be by him remitted to the committee of Tryon county, for the purpose of paying off the remaining half of the bounty, and one month's pay and subsistence to the three companies of rangers raised in the said county, pursuant to the resolutions of the Convention of this State, the said committee to be accountable for the expenditure of the same.

MONDAY AFTERNOON, *Octor.* 21*st*, 1776.

PRESENT—Colo. Livingston, *President.*
Colo. Brasher—*New-York.*
Mr. Moore, Mr. Paris—*Tryon.*
Major Schenk, Major Landon—*Dutches.*
Colo. Allison—*Orange.*
Mr. Mills—*Westchester.*

A letter from Colo. Peter Van Ness, dated at Claverack the 14th inst. enclosing two pay rolls. The one of a detachment of Colo. Livingston's regiment of militia; the other of a detachment of Colo. Van Ness's regiment of militia, for their service in quieting tories.

Ordered, to be referred to the Convention.

A letter from Lewis McDonald, chairman of the committee of Bedford in Westchester county, dated the 19th inst. relative to Stephen Baxter, Junr. who is now sent under guard to this Committee, by order of said committee of Bedford, charged with having rescued a prisoner, and also disarming and otherwise abusing Isaac Smith.

Ordered, That the said letter, together with the prisoner, be referred to the committee for inquiring into and defeating all conspiracies, &c.

TUESDAY MORNING,

Octor. 22*nd*, 1776.

The Committee of Safety met.

PRESENT—Colo. Livingston, *Prest.*
Colo. Brasher—*New-York.*
Mr. Duer, Mr. Webster—*Charlotte.*
Mr. A. Yates, Mr. Gansevort, Mr. Adgate—*Albany.*
Mr. Newkerk—*Tryon.*
Mr. Smith—*Suffolk.*
Mr. Mills—*Westchester.*
Mr. Contine, Mr. Wisner—*Ulster.*
Col. Allison—*Orange.*
Mr. Landon, Mr. Schenk, Capt. Platt—*Dutches.*

Capt. Samuel Tuder one of the superintendents of the Continental frigates building at Poughkeepsie, attending, informed the Committee that the said frigates were by the Honourable the Continental Congress, ordered to be launched as soon as possible, that one if not both of them will be ready to be launched in a few days, but that they are at present destitute of anchors and cables. Capt. Tuder therefore requests that he may be furnished with an order on the person at the landing at Fishkill, for the loan of such anchors, cables and other stores belonging to and taken out of the vessels sunk at Fort Washington, as may be necessarily required in the launching of the said frigates. Thereupon,

Ordered, That the person who hath the charge of the anchors, cables and other stores at Fishkill landing, and which were taken from on board the vessels now sunk at Mount Washington, deliver to Capt. Samuel Tudor, or his order, such of the said anchors, cables or other stores as he may require for the use of the Continental frigates building at Poughkeepsie, taking his receipt for the same.

Colo. John Field having declined the business of superintending the repairing of the roads in the Highlands, to which he was appointed on the 5th inst. therefore,

Resolved, That Capt. Dirck Brinckerhoff, be and is hereby appointed in the place of Colo. John Field, to superintend the repairing of the road in the Highlands, with the same powers and agreeable to the resolutions of the 5th inst.

The Committee of Safety were informed that Henry Wyckoff declining the purchasing of clothing for the troops agreeable to the resolution of the day of and that Mr. Paul Schenk is willing to undertake that service, and has already purchased sundry articles for that purpose to the amount of £250.

Ordered, That Mr. Paul Schenk be and is hereby appointed in the room of Henry Wykoff, to purchase clothing for and on account of the Convention of this State, for the purposes of furnishing the troops in service with clothing, and that the Treasurer of this State, do advance to the said Paul Schenk on his receipt, the sum of £100, which was ordered by the said resolutions to be paid to the said Henry Wyckoff, and the further sum of £200, for the same purpose, for which three hundred pounds the said Paul Schenk is to be accountable.

A letter from Tench Tilghman, Esqr. to the committee of correspondence, requesting an immediate supply of flour for the Continental army, was received and read. Thereupon,

Resolved, That Henry Schenk and Dirck Jansen, Esqrs. or their agents, jointly and severally be directed to forward by water towards the Continental army in Westchester county, with all possible expedition, all the flour they can procure; and for that purpose that they be impowered to hire or impress vessels, boats, wagons and horses, teams and every other carriage, and to employ such persons under them as they may think best calculated to execute this order with the utmost expedition; and further that they be authorized to pledge the public faith for the payment of such vessels, boats, &c. at an appraised value, as may through an unforseen accident fall into the hands of the enemy.

Resolved, That Mr. Joseph Traverse at Peekskill Landing, be empowered and directed to receive all flour which shall be sent down at or near Peekskill Landing, for the use of the army in Westchester county, that he give receipts to the different boatmen for the cargoes they bring, and take receipts of every teamster for the loads he carries.

Resolved, That the Quarter-Master-General of the Continental army, or his agents, be empowered to impress in the counties of Dutches and Westchester, drivers, horses, wagons, horse teams, ox carts, and every other carriage which may be necessary for the use of the use of the Continental army, paying for the same the usual prices.

Ordered, That a copy of these resolutions be forthwith transmitted to His Excellency General Washington, and to Brigadier-General Mifflin, Quarter-Master-General of the Continental army.

Resolved, That Mr. Gilbert Livingston be one of the secret committee directed to be sent down with the utmost despatch to Fort Montgomery, with such parts of the chain as is fixed in the logs, and that Mr. Henry Wisner, Junr. coöperate with him in carrying this measure into execution in the most safe and expeditious manner possible.

Capt. Saml. Tudor, one of the superintendents of the building the Continental frigates at Poughkeepsie, informed the Committee of Safety that the said superintendents have lately received a raft of timber for which they are indebted, and daily expect some other rafts of timber for which they are to pay ready money. That the said superintendents have also some other accounts to discharge, are at present destitute of money, and cannot obtain a supply from the Treasurer of the marine committee.

Mr. Tuder therefore on behalf of the said superintendents, requested an advance or a loan of £600.

Ordered, That the Treasurer of this State advance to Capt. Samuel Tudor as one of the superintendents, on his receipt, the sum of £600, and charge the same to Continental account.

The committee to whom was referred the certificates of the committee of Walkill on the 17th inst. reported that Henry Wisner, Junr. and Moses Phillips, had erected a powder mill in the county of Ulster, and had the same completed on the 20th day of May last past, and agreeable to the resolves made the 16th day of March, 1776, are entitled to receive the sum of £100; as also the loan of £1000 for two years without interest, provided they comply agreeable to the resolves made for that purpose.

On reading of which it was,

Ordered, That the Treasurer of this State, pay to Henry Wisner, Junr. Esq. the sum of £100, as a premium for building a powder mill in Ulster county, pursuant to the resolutions of the Provincial Congress of New-York.

TUESDAY AFTERNOON, *Octor. 22d*, 1776.

The Committee met.

PRESENT—Colo. Livingston, *President*.
Colo. Brasher, Mr. Roosevelt—*New-York*.
Col. Allison—*Orange*.
Mr. Yates, Colo. Livingston, Mr. Adgate—*Albany*.
Mr. Smith—*Suffolk*.
Mr. Mills—*Westchester*.
Mr. Landon—*Dutches*.
Mr. Contine, Mr. Wisner, Junr—*Ulster*.
Mr. Webster, Mr. Duer—*Charlotte*.

A resolution of the committee appointed for inquiring, &c. all conspiracies, &c. dated this day, requesting the advance of £500 for the public service, [was received.] Thereupon,

Ordered, That the Treasurer of this State, pay to the order of the committee appointed by the Convention of this State, for the purpose of inquiring into, detecting and defeating all conspiracies formed in the said State against the liberties of America, the sum of £500, to be accounted for by the said committee to the Convention of this State.

A letter from Genl. Miflin, Quarter-Master-General, dated the 19th inst. at Mount Washington, directed to Mr. Duer, was read.

Resolved, That Mr. Keene, assistant quarter-master-general, be authorized to impress and take possession of any out buildings in this neigbourhood for the purpose of securing the Continental stores, he paying a reasonable price for the use of the same.

Resolved, That letters be written to the committee of Ulster and Orange and Dutches counties, requesting them to send all the carpenters and masons that can be procured in their respective counties to Fishkill, and that they engage them on the lowest terms possible.

A letter from Elisha Avery at Albany, and a recommendation from the committee of Albany, subjoined on the back, requesting the assistance of Convention to forward flour for the northern army, referred to Col. Brasher and Mr. Abm. Yates.

A letter from Colo. Jona. Hasbrouck, enclosing a list of disaffected persons in his regiment of militia, was read.

Ordered, That the letter and list be referred to the committee appointed to inquire into, &c. all conspiracies, &c.

A letter from Kerr, and others in Orange county relative to Gale, Tredwell and Ludlam, and a request that they may not be sent off, was read and referred to the same committee.

A letter from Jos. Thomas, Junr. chairman of the committee of Westchester, accompanying all the prisoners from White Plains jail to this place, was referred to the committee of conspiracies.

Ordered, That the Treasurer of this State advance to the committee of the county of Albany the sum of £600, and also advance to the committee of the county of Charlotte the sum of £600, for the purpose of paying off the remaining half of the bounty, and one month's pay and subsistence of the companies of rangers raised in the said counties respectively, pursuant to the resolutions of the Convention of this State. The said committees to be accountable for the expenditure of the sums received by them respectively.

Ordered, That commissions be made out and dated the 1st of August, for Jacob Deronde, capt.; Isaac Coe, 1st. lieut.; John Coe, 2nd. lieut.; Abm. Underdonk, capt.; John Gardner, 1st. lieut.; Roger Ashburn, 2nd. lieut.; in Colo. Isaac Nichol's regiment.

WEDNESDAY MORNING,

Octo. 23rd, 1776.

The Committee met pursuant to adjournment.

PRESENT—Colo. Pierre Van Cortlandt, *Vice-Prest*.
Mr. Roosevelt, Colo. Brasher—*New-York*.
Mr. Landon, Mr. G. Livingston—*Dutchess*.
Mr. A. Yates, Mr. Adgate—*Albany*.
Mr. Mills, Colo. Van Cortlandt—*Westchester*.
Mr. Smith—*Suffolk*.
Mr. Newkirk—*Tryon*.
Colo. Allison, Mr. Wisner—*Orange*.

A letter from the Committee of Albany, dated Octor. was received and read, and is as follows, to wit:

"*Albany Committee Chamber*, 21st *Octor*. 1776.

"GENTLEMEN—In consequence of a request from his honor General Schuyler, desiring the aid of our militia, we have in conjunction with Brigadier-General Ten Broeck, issued out orders for their immediate march to Fort Edward; a part of the militia have already marched and the remainder are making preparations to follow them, but not with that alacrity which the present alarming situation of our affairs in this quarter requires.

"Every district in this county is crowded with disaffected persons; the woods are full of them, and notwithstanding every effort that has been made by our militia, and the rangers to apprehend them, they still have eluded our search; this county besides is full of slaves, who probably may already have been tampered with, and all our friends being ordered off, may join with the disaffected in the abuse or destruction of our wives, our children and our effects. We have just received a letter from one of your body to his honor Genl. Schuyler, which mentions that the whole number of arms by the last return in the manor of Livingston was no more than 100, since which time many have been drawn by the men drafted for the Highlands, &c. and that the number of disaffected there is at least three to one.

"Our suspected enemies in this city are continually drawing off in a secret manner into the country, perhaps collecting together and awaiting the departure of our friends to fall upon the remainder of us. The disaffected persons in the county have proceeded to open acts of violence; they have plundered some of our soldiers of their arms on the road in open day, broken into the houses of the inhabitants in the night time, and robbed them of their arms, ammunition and blankets, and even rescued our prisoners from the hands of those who were guarding them.

"Whether the militia of Tryon county are also ordered off or not we do not know, but they now hold themselves in readiness for a march, and we have reason to fear from information which we inclose that some attempt will be made to the westward, in which case we should have no frontier on that side, but remain entirely exposed to the undistinguished cruelty of the torturing savage.

"In this serious and alarming situation we feel for our distressed country, and would apply to your Honourable House for that aid, direction and assistance which your

wisdom and power may enable and induce you to render us. We would wish you to take into the most attentive consideration this state of facts, as every thing that is dear to us depends upon what you determine.

"We would also request you to advise us whether it would not be necessary to have some of our vessels ready to sink in such parts of Hudson's river as may effectually stop the vessels of our enemy from proceeding up the river so as to endanger this city or the parts adjacent.

"We shall despatch a guard to-morrow with about fifty prisoners now in custody here, to be left to your direction on their arrival at Fishkill Landing. We would also beg leave to inform you that we have not arms even sufficient to put in the hands of our friends, and no cannon.

"We are, gentlemen,

"Your mo. obt. servts.

"By order.

"JNO. BARCLAY, *Chairman p. tem.*

"To the Convention of the State of New-York."

A deposition of Isaac Peabody and Saml. Allen, taken before Jons. Younglove, chairman of the committee of Bennington, dated Octor. 14th, 1776, and a deposition of Isaac Peabody, taken before the same person, and of the same date, both enclosed in the letter from the committee of Albany, setting forth sundry facts relative to disaffected persons in that quarter, [were read.]

Ordered, That the depositions and so much of the committee's letter as relates to them, be referred to the committee for inquiring into conspiracies.

WHEREAS Alexander Stewart was, by order of the Convention of this State on the 27th July last, taken prisoner and ordered to be kept in close custody till their further order, he declaring himself a subject of the King of Great Britain:

Resolved, That the committee appointed for inquiring into all conspiracies, &c. be authorized to dispose of the said Alexr. Stewart (as a prisoner of war) in such manner as to them shall appear most proper.

Mr. Gansevoort came into Committee and informed, that the committee for inquiring into conspiracies have so much business on hand that they cannot possibly take into consideration the letter from the committee of Albany and the depositions therein enclosed. Whereupon,

Resolved, That the letter from the committee of Albany, of the 21st inst. together with the depositions of Isaac Peabody and Saml. Allen, received and read this morning, as also the deposition of John Hains, of Rumt. precinct, taken before the committee appointed to inquire into all conspiracies, &c. be referred to the committee appointed on the 19th inst. to repair to Albany in order to coöperate with Major-General Schuyler on devising and carrying into execution all such measures as they shall deem most effectual for repelling the invasion of the enemy's army on the northern and western frontiers of this State; who are hereby empowered and requested to take the same into immediate consideration, and pursue such measures and give such directions therein as to them shall seem meet and necessary.

The memorial of Andrew Bostwick, an insolvent debtor, now confined in the jail of Orange county, was presented to the House, setting forth that he has been confined for near 18 months, notwithstanding all his efforts to accomplish a settlement with his creditors, and from the calamity of the times cut off from all hopes of obtaining his liberty; that in his present confinement he has it not in his power to mend his circumstances, but that they must of necessity be daily growing worse, and praying for such speedy relief as the nature and necessity of the case requires.

Resolved, That the sheriff of Orange county do release the said Andrew Bostwick from confinement on his giving to the said sheriff sufficient security, by bond or otherwise, to be forthcoming at the expiration of nine months from the time of taking such security.

Ordered, That the sheriff of Orange county be furnished with a copy of the aforegoing resolve.

Mr. Gilbert Livingston came into Committee and informed, that he is called upon by sundry persons who have demands on the commissioners who were appointed to superintend the erecting of the fortifications in the Highlands, as also on the secret committee for obstructing the navigation on Hudson's river, and requests money to enable him to discharge those demands. Therefore,

Ordered, That the Treasurer of this State advance to Gilbert Livingston, Esqr. and Colo. Thomas Palmer the sum of £500, to enable them to pay sundry demands brought in against them as commissioners for superintending the erecting the fortifications in the Highlands; they to be accountable for the same. And,

Ordered, That the Treasurer of this State advance to Gilbert Livingston, Esqr. one of the secret committee for obstructing the navigation of Hudson's river the sum of £1,000, and take his receipt to account for the expenditure thereof.

A draft of a letter to Elisha Avery, in answer to his received yesterday, was read and approved, and is in the words following, to wit:

"IN COMMITTEE OF SAFETY,
for the State of New-York,
"*Fishkill, Octr. 23rd*, 1776.

"SIR—We have received yours without date, and an endorsement of the committee of Albany, dated the 20th inst. respecting flour.

"We beg leave to inform you that an application hath been made to us from the southern army, for all the flour we can procure in this quarter. We shall write to the committee of Albany to assist you in that county. Mr. Schenk who is employed to purchase flour, informs us that he hath sent up to Albany upwards of 500 barrels, which we hope you have received. That quantity, with what your agents may have procured, will, we trust, be some relief for the present; in the mean time, in proportion to Mr. Schenk's success, we shall attend to the demands of the two departments, and remain, sir,

"Your most hble. servants,

"By order of the Committee.

"ELISHA AVERY, D. Q. Genl. Albany."

A draft of a letter to the committee of Albany, was also read and approved of, and is in the words following, to wit:

"IN COMMITTEE OF SAFETY,
for the State of N. York,
"*Fishkill, Octr. 23rd*, 1776.

"GENTLEMEN—We have received a letter from Elisha Avery, deputy quarter-master-general, respecting flour. We beg leave to inform you that an application hath been made to us for all we can procure for the southern department; we therefore request that you will give all the assistance in your power to Mr. Avery, to enable him to procure a supply. We have employed proper persons to purchase all they can, and we must govern ourselves by their success. The consumption of flour is great; the difficulty in procuring it arises from a want of water, which prevents grinding. Mr. Schenk has sent up 500 and odd barrels, which we hope Mr. Avery has received, which with the quantity he may have procured, will be a relief for the present.

"Your letter of the 21st, enclosing the depositions of Peabody and Allen, is this moment delivered to us. This Committee have referred them to the committee of this House, which now sit at Albany, who are empowered to take such steps in it, as they may think necessary.

"Yours, &c.

"To the Committee at Albany."

WEDNESDAY, *P. M. Octr. 23rd*, 1776.

The Committee met.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Col. Brasher—*New-York*.

Mr. Landon—*Dutches.*
Mr. Abm. Yates, Mr. Adgate—*Albany.*
Col. Allison—*Orange.*
Mr. Smith—*Suffolk.*
Mr. Mills, Col. Van Cortlandt—*Westchester.*
Mr. Newkirk—*Tryon.*

The petition of Henry Dawkins, a prisoner, was read, and ordered to lie on the table.

The petitions of William Watkins, Saml. Wilson, John Levericke, and John Reed, prisoners and disaffected persons, were severally read.

Ordered to be referred to the committee of conspiracies.

A letter from John Coe, deputy chairman of the committee on the south side the mountains in Orange county, enclosing a deposition of Peter Smith, against Jno. Larie, and the examination of John Larie, was read, and referred to the committee of conspiracies.

THURSDAY MORNING,

24th Octr. 1776.

The Committee of Safety met.

PRESENT—Colo. Pierre Van Cortlandt, *Vice-President.*
Mr. Yates, Mr. Adgate—*Albany.*
Colo. Brasher—*New-York.*
Col. Allison—*Orange.*
Mr. Landon—*Dutchess.*
Mr. Newkirk—*Tryon.*
Mr. Mills, Pierre Van Cortlandt, Esqr.—*Westchester.*

The Dutch church being necessarily occupied by a large guard, and a number of prisoners, and the other church being at present occupied as a Continental store house, the committee for want of a convenient place for their reception, and no pressing business appearing, adjourned until six o'clock this evening.

P. M. Octor. 24th, 1776.

The Committee of Safety met in a chamber at Weeks's tavern.

PRESENT—Colo. Van Cortlandt, *Vice-President.*

Abm. Yates, Wm. Smith, Abm. Brasher, Jonn. Langdon, Henry Schenk, Mat. Adgate, Z. Platt, Jedediah Mills, Wm. Duer, Mr. Newkirk, Esquires.

Resolved, That Henry Schenk, Esqr. be authorized and directed to purchase 8,000 bushels of wheat for the use of the Continental army, on the most reasonable terms possible, not exceeding 6*s.* 6*d.* per bushel; and that he return the names of every person or persons who may refuse to part with their wheat at that price to this Committee, or the Convention of this State.

Resolved, That Henry Schenk, Esqr. be directed to use the utmost expedition in sending down the above wheat to the mills of Col. Van Cortlandt at Peekskill, and at Croten river.

Resolved, That Colo. Van Cortlandt be directed to keep both his mills constantly at work, night and day, in making flour for the Continental army.

WHEREAS most of the coopers belonging to this State are at present engaged as soldiers in the service, in consequence of which it is impracticable to find sufficient casks for supplying flour to the southern and northern armies without aid obtained from the army:

Resolved, That His Excellency Genl. Washington, be requested to send three coopers to Colo. Van Cortlandt's mills at Croten river and Peekskill, and seventeen to this place, in order that they may be employed under the direction of this Committee in making flour casks with the utmost expedition.

AND WHEREAS it is of the utmost consequence to the public cause, that there should be no delay in manufacturing flour for the use of the army under General Washington:

Resolved, That all the millers, packers, coopers, teamsters, boatmen and other labourers employed by Col. Van Cortlandt in transporting the above mentioned wheat to his mills and in manufacturing the same, be exempted from military duty of any kind whatsoever, and that his teams be not subject to be impressed till further order from this Committee or the Convention of this State.

Mr. Schenk informed the Committee that he could immediately purchase 100 bags for the purpose of transporting wheat to the mills employed to grind flour for the troops.

Resolved, That Henry Schenk, Esqr. be directed to purchase said bags, and that he cause each of them to be marked C. A.

Resolved, That Genl. James Clinton at Fort Montgomery, be requested to grant a furlough to Silvanus Scowfield in Capt. Darley's company, for the purpose of assisting in making flour casks for the Continental army; and that he be requested to send up to this place as many other coopers as he can possibly spare from his garrison, it being of the utmost consequence that a quantity of flour should be immediately sent down to the army under the command of Genl. Washington.

Ordered, That Genl. James Clinton be furnished with a copy of this resolution.

Resolved, That the Quarter-Master-General or his agent at Fishkill, be requested to supply Henry Schenk, Esqr. with as many 6*d.* nails as he can possibly spare, there being no nails of that kind to be purchased in this State.

Mr. Schenk informed the Committee that there are six poor women with their children from the city of New-York, for whom he can procure no lodgings at or near this place, and desires that they might be sent to the committee of New-Windsor to be provided for.

Resolved, That Mr. Schenk be authorized and directed to send the above persons to the committee aforesaid to be disposed of and maintained by the said committee in the same manner with the other persons sent to that place.

Ordered, That a copy of these resolutions be sent by express to His Excellency Genl. Washington.

FRIDAY MORNING.

25th Octr. 1776.

The Committee met.

PRESENT—Colo. Pierre Van Cortlandt, *Vice-Prest.*
Colo. Brasher—*New-York.*
Col. Allison—*Orange.*
Mr. Yates, Mr. Adgate—*Albany.*
Mr. Newkirk—*Tryon.*
Mr. Wm. Smith, Mr. Miller—*Suffolk.*
Mr. Landon—*Dutches.*
Mr. Mills, Major Lockwood—*Westchester.*

On motion,

Resolved, That Ebenr. Hazard, Esqr. postmaster, be requested to forward to the Convention or Committee of Safety of this State, as often as he may be able to procure the same, all the public newspapers of the States of Pennsylvania, New-Jersey, (printed by Mr. Gaine,) Connecticut, (printed at New-Haven, say New London,) and Massachusetts, (printed at Boston;) and that Mr. Hazard be requested to procure for the use of the Convention, or Committee of Safety of this State, all those papers heretofore printed or which may hereafter be printed, and which contain the plans or forms of government published in the different States of America; and that the Convention or Committee of Safety of this State will provide for the payment of the same.

Ordered, That the President transmit a copy hereof to Mr. Hazard by the first opportunity.

Ordered, That commissions issue to Colo. Snyder's officers agreeable to his return received and read this day, and

dated at Fort Montgomery; that they be signed by Mr. Yates, the late President, and that the date be left blank to be filled up by Colo. Snyder; that Colo. Allison draft a letter to Colo. Snyder informing him that be first Captain.

A letter from Stephen Ward, Esqr. relative to the construction of the resolution respecting hides, was read.

FRIDAY AFTERNOON, *Octr. 25th*, 1776.

The Committee of Safety met.

PRESENT—Colo. Van Cortlandt, *President*.
Mr. Yates, Mr. Adgate—*Albany*.
Mr. Smith, Mr. Miller—*Suffolk*.
Colo. Allison—*Orange*.
Mr. Newkirk—*Tryon*
Major Lockwood—*Westchester*.

Mr. James Weeks, an inhabitant of this place, informed the Committee that a certain Philip Dalley had beat and abused his workman in his blacksmith's shop, and had threatened and maltreated him. Mr. Weeks withdrew, upon which the said Philip Dally rushed into the Committee Chamber without permission, in an insolent manner, and informed the Committee that he had inquired at the smith's shop whether his horses were shod, and that the workman laughed at him, upon which he had given him some strokes with his whip. Dally attempted to justify his conduct and declared he would do the like again.

It fully appears to this Committee that even if the behaviour of the blacksmith had been such as the said Dally states it to have been, nevertheless the said Dally is very culpable in using the violence and outrage which he confesses he did.

Ordered, That as the public service may require it, Mr. Weeks cause the said horses to be shod without delay.

Resolved, That as the immediate assistance of every individual in this State is required and such usage from officers or others employed by the military must inevitably tend to obstruct the public service, that the said Philip Dally be called in and informed that this Committee highly disapprove of and blame his conduct, but that they have notwithstanding directed Mr. Weeks to cause his horses to be shod without delay.

The said Philip Dally was further informed that the apprehension of the public service being delayed alone prevents them ordering him into confinement for his ill conduct and insolence.

Resolved, That Genl. Miflin be informed of this man's behaviour, and that he be requested to take such measures as may deter others from the like conduct in future.

Ordered, That a commission issue for Thomas Moffatt, Esqr. as major of Col. Isaac Nicoll's regiment.

Ordered, That commissions issue for Samuel Drake's officers; that they be dated 29th June and signed by Abraham Yates, late President.

A draft of a letter to Colo. Snyder, reported by Col. Allison, was read and approved, and is in the words following, vizt:

"SIR—The commissions for your regiment, agreeable to your request, are enclosed. I am directed to inform you that when the resolutions for raising your present corps passed the Convention, it was agreed that the captain from Orange county should be first captain of that corps, as each of the other counties had a field officer nominated out of their officers; to this end the dates of the commissions, except Capt. Storms, are left blank; and, with the above direction, it is submitted to you to fill up the dates before you deliver them, so as to give rank or merit its weight and reward. Capt. Storms' commission is dated because he received one of the like date on his way to the fortifications."

SATURDAY MORNING.

Octor. 26th, 1776.

The Committee of Safety met.

PRESENT—Colo. Van Cortlandt, *Vice-President*.
Mr. Yates, Mr. Adgate—*Albany*.
Mr. W. Smith, Mr. Miller—*Suffolk*.
Major Lockwood, Mr. Mills—*Westchester*.
Major Landon—*Dutchess*.
Col. Allison—*Orange*.
Mr. Newkirk—*Tyron*.

A letter from Robert Harper, Col. Dewitt and Lewis Graham, the committee appointed to form an arrangement of the troops raised and to be raised in this State, dated at the White Plains, 24th inst. informing the Committee of the progress they had made in the business of their appointment, and requesting a supply of clothing might be sent to the troops of this State, was read.

A letter from Peter T. Curtenius, dated Paramus, 24th inst. enclosing a resolution of the Convention of this State, of 29th August, authorizing him to borrow on the credit of this State £10,000.

Another letter from Mr. Curtenius, of the same date, informing that his box, with all his accounts of the public, are at Mr. Paulding's, at or near Tarry Town, and requests that they may be sent for to prevent their falling into the enemy's hands.

Resolved, That Dr. Van Wyche be requested to engage quarters for the detachment of horse under the command of Major Sheldon, amongst such of the inhabitants as are willing and best enabled to receive and subsist them in the most expeditious manner possible, the commanding officer paying for the same at a reasonable rate; and in case he should not be able to procure sufficient quarters in seasonable time, that he be then empowered to billet them amongst such inhabitants who are best qualified to receive them, in the most equitable proportions, and in such apartments of the houses as can best be spared.

Dr. Malachi Treat attending, produced an account of £88 10*s*. 0*d*. for his attendance, and for medicine given to the soldiers of the first battalion of New-York troops, and to several companies under the command of Genl. Lee, (they not having a surgeon, or mate, to attend them,) pursuant to an order of the Provincial Congress of New-York, beginning about the middle of Feb. 1776, and ending about the middle of April following; as also an account of £18 17*s*. 6*d*. for his attendance and medicine given to the soldiers of Col. Lasher's and Col. Drake's regiments, in Genl. Scott's brigade. Total £107 7*s*. 6*d*.

Difficulties arose in the minds of the members respecting the said accounts, whereupon the doctor made the following deposition at the foot of the said account, vizt:

"Dr. M. Treat being duly sworn, deposeth and saith, that the above account of £107 7*s*. 6*d*. is, to the best of his knowledge and belief, just and true; that with respect to the particulars of the account of £88 10*s*. 0*d*. an account thereof was delivered to the committee appointed by the Provincial Congress of New-York, for auditing accounts, who directed the same to be delivered to the Quarter-Master-General of the Continental army for payment; the Quarter-Master-General referred it to the Director-General of the hospital; that he, the said Dr. Treat, hath applied to those gentlemen for payment, or to have his original account returned to him, neither of which he hath been able to procure. That as to the charge of £18 17*s*. 6*d*. he has it not in his power to make out an account of the particulars thereof, neither is it in his power to make out an account of the particulars of the account of £88 10*s*. 0*d*. as his ac-

counts which were deposited in his chest at Harlem have been destroyed by the troops.

"MALACHI TREAT.

"Sworn before me, this 26th Octor. 1776.

"PIERRE VAN CORTLANDT, *V. Prest.*"

Ordered, That the Treasurer of this State pay to Dr. M. Treat the sum of £107 7*s.* 6*d.* in full for the above mentioned accounts, taking his receipt for the same, and that the Treasurer charge the same to Continental account.

SATURDAY NIGHT, *October* 26*th*, 1776.

The Committee met, and no business transacted.

PRESENT—Col. Van Cortlandt, Mr. Yates, Mr. Miller, Mr. Adgate, Mr. Wisner, Mr. Allison, Mr. Mills, Mr. Lockwood, Mr. Newkerk, Mr. Landon, Mr. Smith.

MONDAY MORNING,

Octor. 28*th*, 1776.

The Committee met.

PRESENT—Colo. Van Cortlandt, *Vice-Prest.*

Mr. Roosevelt, Mr. Harper—*New-York.*

Mr. Yates, Mr. Adgate—*Albany.*

Col. De Witt—*Ulster.*

Mr. Smith, Mr. Miller—*Suffolk.*

Mr. Landon—*Dutches.*

Mr. Mills, Judge Graham, Major Lockwood, Col. Van Cortlandt—*Westchester.*

One member wanting, the Committee adjourned till this afternoon.

MONDAY AFTERNOON, *Octr.* 28*th.* 1776.

The Committee met pursuant to adjournment.

PRESENT—Colo. Van Cortlandt, *Vice-Prest.*

Mr. Harper, Mr. Roosevelt—*New-York.*

Mr. Yates, Mr. Adgate—*Albany.*

Mr. Smith, Mr. Miller—*Suffolk.*

Col. De Witt—*Ulster.*

Mr. Landon, Mr. Schenk, Mr. Sackett—*Dutches.*

Mr. Mills, Judge Graham, Mr. Lockwood, Col. Van Cortlandt—*Westchester.*

Major Lockwood's report, relative to the removal of the prisoners of war from Salem and Poundridge, being read, is in the words following, vizt:

"Major Lockwood reports that pursuant to the resolutions of this Committee, on the 8th inst. directing him to proceed to Poundridge and Bedford, in Westchester county, and give directions relative to the prisoners of war at those places, he proceeded to Bedford aforesaid, and found it necessary to remove such prisoners of war as yet remained there; that Samuel Cox, master of the sloop Charlotte, transport, Joseph Woolcomb, chief mate of the sloop Blue Mountain Valley, Thomas Rimmington Harris, mate of the Savage sloop, Richard Bruere, midshipman, and William Elder, volunteer, had severally escaped and fled from thence in violation of their parols, and could not be heard of, though endeavours had been used by the committee to apprehend them; that John Simpson, late master or captain of the Saville transport, victualler James Auchmuty, storekeeper in the engineer's department, together with his wife and family, and William McDermot, were yet remaining there; that he had, with the consent and approbation of the three prisoners last mentioned changed their respective parols, and taken of each of them a new parol, to repair to Danbury, in the State of Connecticut, and there, or within six miles thereof, to continue during the present war; and that he had sent them to the care of the committee at Danbury, under the guard of Jesse Slason, where they were received by the committee, as appears by a draft of a letter from Mr. Lockwood to that committee, and their answer, signed by Thomas Stevens, chairman.

"Major Lockwood farther reports, that he proceeded to Poundridge, where nine men and one child, privates, were prisoners; that one of them, named John Gibbons, was lame, and in a place which appeared a place of safety from the enemy, and is therefore left to remain there for the present; that the other eight men and child, prisoners, taken on board of or from different vessels, viz: James Wilson, John Murray, Saml. Coppin, Jeremiah Reerdor, Henry Killgrove, Michael Cowney, Cesar Freeman, William Patterson and his child, were sent under guard to Woodbury, in the State of Connecticut, in charge of Lieut. Samuel Bouton and five privates of the militia.

"That he Major Lockwood, in the course of this business, advanced the following sums of money, vizt: To James Auchmuty, on account of subsistence of two dollars per week allowed him, 8 dollars; to William McDermot, on the like account, 3 dollars; to John Simpson, do. 3 dollars; to Jos. Owens, for an ox cart and team of 4 cattle, to transport Auchmuty's effects, 7½ dollars; to the expenses and allowances to Capt. Seely and Jesse Slawson, as a guard to said prisoners, the first, with one man with him, from Bedford to Poundridge, and the other with two horses to remove Auchmuty's wife and child from Poundridge to Danbury, in the whole 1⅓ dollars; to Lieutenant Samuel Bouton, for expenses disbursed in maintaining eight men and a child, provisions, himself and a guard of 5 armed men, from Poundridge to Woodbury, in the State of Connecticut, 14⅚ dollars, and for pay to the said Samuel Bouton and his said guard, including horses to assist themselves and some of the prisoners, one of the prisoners being an old man and some of them indisposed, from Poundridge to Woodbury aforesaid, for 4½ days only, 7½ dollars; and that Major Lockwood paid for his own disbursements 1 dollar; amounting in the whole to 48⅙ dollars, or £19 5*s.* 4*d.* New-York money.

"Major Lockwood farther reports, that he was informed by the committee of Bedford that the prisoners who escaped from thence had left sundry effects at the places where they were respectively lodged, which effects he has directed to be inventoried by the said committee, and that the inventory be returned to the Convention of this State.

"That on the 13th Sept. last, Francis Clemmens, a prisoner, deserted from Poundridge, and on the 24th Sepr. Wm. Metcalf, another prisoner, who was absent, or about to make his escape, was, by order of the committee there, sent to Westchester jail.

"EBENR. LOCKWOOD."

Mr. Harper, of the committee appointed to repair to the camp at or near King's Bridge, relative to the new arrangement, delivered in an account of the expenses of the said committee in the course of their journey.

Ordered, That the Treasurer of this State pay to Robert Harper, Esqr. the sum of 41 dollars, to reimburse the committee who were appointed to repair to the camp at or near King's Bridge, for the purpose mentioned in the resolutions of Congress relative to appointing officers, and the further sum of two dollars to reimburse Mr. Harper for so much by him paid for the use of a craft to convey him from the town of Harlem to Flushing on Nassau island, to attend to the disposal of some of the indigent inhabitants of the city of New-York.

Ordered, That the Secretaries of the Convention of this State, as commissaries of the prisoners of war in this State, pay to Major Lockwood the sum of 48 dollars and ⅙ part of a dollar, amounting to £19 5*s.* 4*d.* for his disbursements on account of the prisoners of war late in Westchester county in this State, taking Major Lockwood's receipt for the same.

Ordered, That the Treasurer of this State pay to Major Lockwood the sum of 21*s.* 4*d.* to reimburse him his expenses in going to Stanford in Connecticut, on public busi-

ness, by order of Convention of this State, and take his receipt for the same.

Mr. Henry Schenk, who was appointed by the Convention of this State an agent to assist the Commissary-General of the Continental army now in Westchester county, in procuring and sending down flour for the use of the said army, requested of this Committee, on behalf of the said Commissary-General, the loan of £2,800, to be repaid by the said Commissary-General, or the said Henry Schenk, as soon as possible.

Ordered, That the Treasurer of this State advance to Major Henry Schenk, who was appointed by the Convention of this State an agent to assist the Commissary-General of the Continental army now in Westchester county, in procuring and sending down flour for the use of the said army, the sum of £2,800, to be repaid by the said Commissary-General, or the said Henry Schenk, as soon as possible.

A letter from Lynde Lord, jailer of Litchfield, relative to Isaac and Israel Youngs, dated the 26th October, and a petition of Isaac and Israel Youngs, dated 25th Oct. were referred to Judge Graham and Colo. De Witt.

General Miflin sent back the resolutions relative to Dally, who maltreated Weeks's man, with a note on the back, informing the Committee that Dally shall be sent down to give such satisfaction as the Committee may require.

TUESDAY MORNING,

Octr. 29th, 1776.

The Committee of Safety met.

PRESENT—Colo. Van Cortlandt, *Vice-President.*

Mr. Harper, Col. Brasher—*New-York.*

Major Lockwood, Col. Van Cortlandt, Judge Graham, Mr. Mills—*Westchester.*

Mr. A. Yates, Mr. Adgate—*Albany.*

Mr. Newkirk—*Tryon.*

Mr. W. Smith, Mr. Miller—*Suffolk.*

Mr. Little, Mr. Wisner—*Orange.*

Mr. Landon—*Dutches.*

A letter from Tench Tilghman, Esqr. dated at Head-Quarters, White Plains, Octor. 27th, 1776, containing the daily intelligence and disposition of the army, of the taking a party of Rogers' Rangers, some British and Waldecker troops, and enclosing the examination of James Budd, the principal among those disaffected, taken in Westchester county by the army.

TUESDAY AFTERNOON, *Octr. 29th*, 1776.

The Committee met.

PRESENT—Col. Van Cortlandt, *Prest.*

Mr. A. Yates, Mr. Adgate—*Albany.*

Mr. Little, Mr. Wisner—*Orange.*

Mr. Wisner—*Ulster.*

Mr. Landon—*Dutches.*

Mr. Smith, Mr. Miller—*Suffolk.*

Mr. Newkirk—*Tryon.*

Mr. Mills, Mr. Lockwood, Col. Van Cortlandt, Judge Graham—*Westchester.*

John Canfield, Esqr. adjutant to a regiment of light horse from the State of Connecticut, produced to the Committee of Safety different bills of charges, delivered in by different persons, for the board of part of the said regiment, by which it appears that they are charged at very different rates, and on behalf of Major Sheldon, requested this Committee would fix some regulation, by which the said accounts may be discharged, that he may do equal justice.

Thereupon the Committee fixed the following regulation of prices for the payment of those accounts, vizt: 1*s.* 6*d.* per day for each man, for boarding, lodging, diet, &c.; 9*d.* for each horse per day, and 3*s.* per bushel for oats.

A letter from James Duane, Robert Yates and Jacob Cuyler, Esqrs. the committee appointed to go to Albany to make an arrangement of officers, dated 24th Octor. stating that they have appointed recruiting officers at proper stations, and given them their instructions; and, to avoid delay, had borrowed £1,200, to furnish the recruiting officers with the means of proceeding immediately on this service, was read.

A letter from Robert Yates, Esqr. chairman of the committee of the Convention now at Albany, dated October 27th, enclosing copies of letters from General Gates and General Arnold, both dated at Ticonderoga, October 24th, and directed to Genl. Schuyler, was read and filed.

A letter from Messrs. Tuder and Lawrence, at Poughkeepsie, dated Octor. 24th, informing when the ships will be launched.

A letter from Colo. Peter R. Livingston, the President, dated at Esopus, Octor. 26th, mentioning his success in procuring flour to the northward, was also read.

A letter from Peter T. Curtenius, dated at Philadelphia, October 20th, 1776, relative to his conduct, and the quantities of the different articles purchased for the use of the troops, and requesting that money may be sent to him at Paramus, was read.

A letter from Joseph Hallet, dated at Prince Town, October 22d, 1776, relative to his proceedings with respect to the prizes taken by Capt. Rogers.

Ordered, That Major Lockwood be requested to proceed immediately to Westchester county, and make inquiry where the records of the town clerk's office of the city and county of New-York, as also the public records of the loan officers and supervisors of the county of Westchester, are deposited, and that he use his best endeavours to cause them to be safely conveyed to such place of safety as he shall judge prudent, and that this Committee will make provision for paying the expense attending the same.

Ordered, That the Treasurer of this State send to James Duane, Robert Yates and Jacob Cuyler, Esqrs. at Albany, who were appointed a committee to repair to Albany and Ticonderoga, to take measures for carrying into execution the resolutions of Congress, relative to the raising of troops and the appointing of officers in the Continental service, by John Visscher, who is employed as an express by the said committee, the sum of one thousand two hundred pounds, and take his receipt to deliver the same to those gentlemen, or either of them.

A draft of a letter to Robert Yates, Esqr. chairman of the committee of the Convention, now at Albany, in answer to theirs received and read this morning, was read and approved of, and is in the words following, to wit, vizt:

"*Fishkill, Octor. 29th*, 1776.

"SIR—The Committee of Safety have received the letter of your committee by express, enclosing minutes of the committee of the county of Albany, relative to the department of the deputy commissary-general. The exertions which they have made to procure the necessary supply for the northern army, are highly laudable and deserve the warmest approbation of the Committee of Safety.

"We have been loudly called upon by His Excellency Genl. Washington to forward a supply of flour for the use of the army at the White Plains. We have devised all the means we can think of to prevent the army from suffering for the want of that article, copy of which you will see by our resolutions, which we now transmit you. We are of opinion that if a similar mode was adopted to the northward, it would be productive of good effects. We are informed that there are several mills between Albany and Lake George which might be kept constantly employed in manufacturing flour for the northern army, if the Commissary-General would engage persons to purchase up grain and to have it transported to the mills most contiguous. It would, however, be needless in us to enter into a particular detail on this subject. Your committee, from being on the spot, are the best judges of what further measures will be necessary for supplying that army, and are invested with full powers for carrying into execution all such measures as you shall think effectual for repelling the invasions

of the enemy on the northern and western frontiers. Whilst we therefore in this quarter exert ourselves in devising and executing whatever shall appear to us most conducive to the public safety, we trust that your attention and zeal will not be wanting in giving vigor to our military operations to the northward; and in quelling by such means as you shall deem most prudent, the insurrections of the disaffected in that part.

"We highly approve of your having detained those detachments of the militia which you mention for that purpose, but it is not in our power to order up the detachment under the command of Colo. Van Rensselaer, as we have now in custody near two hundred and twenty dangerous and disaffected persons, whom we propose removing to Exeter in the State of New-Hampshire. A detachment of seventy-six persons of this stamp was sent off a few days ago, and from the information we have received from the committee appointed by the Convention of this State for inquiring into and detecting all conspiracies which may be formed in this State against the liberties of America, we have reason to think that there will be a necessity of apprehending and removing several other persons; you must therefore be sensible that no dependence can be put on this quarter. Should you find it necessary to employ a further force for the purpose of seizing and securing the disaffected, we recommend it to you to endeavor to raise as many men in the Massachusetts Bay government as you shall think necessary.

"We transmit you a copy of the last intelligence we have received from head-quarters. We flatter ourselves that our accounts from the northward will be equally favourable.

"We are, gentlemen,

"With great respect, yours, &c.

"ROBERT YATES, Esqr. Chairman of the Committee appointed to repair to Albany to confer with Genl. Schuyler on devising and carrying into execution the measures necessary for repelling the invasion of the enemy's army on the northern and western frontiers of this State."

Resolutions authorizing Henry Schenk to purchase wheat and to exempt coopers for two months from military duty, was read and agreed to.

A draft of a letter to James Duane, Robert Yates and Jacob Cuyler, Esqrs. committee of arrangement, now at Albany, in answer to theirs received this morning, was read and approved of, and is in the words following, to wit:

"IN COMMITTEE OF SAFETY, &c.
"*29th October*, 1776.

"GENTLEMEN—We have yours of the 24th inst. before us and approve of the method you have pursued in appointing recruiting officers, and now send you by the express the £1,200 you have borrowed for that purpose. We would beg leave to recommend to you the calling in the members of the committee appointed to confer with Genl. Schuyler so as to make a quorum; without that you may return with all convenient speed to Fishkill to join Colo. De Witt, Judge Graham and Mr. Harper (who are already arrived) to finish the arrangement. We would not, however, by any means advise you to leave Albany in this critical situation of affairs unless there be a quorum of that committee without you; and if you cannot all leave that committee, we advise that so many of you do come to Fishkill as can be spared from those, leaving a quorum of that committee sufficient for the business.

"We are, &c.

"Messrs. DUANE, YATES and CUYLER, Albany."

WEDNESDAY MORNING, *30th Octor.* 1776.

The Committee met.

PRESENT—Colo. Van Cortlandt, *Vice-President.*

Mr. Roosevelt, Mr. Harper, Colo. Brasher—*New-York.*

Mr. Yates, Mr. Adgate—*Albany.*

Major Parks—*Ulster.*

Mr. Smith, Mr. Miller—*Suffolk.*

Mr. Landon—*Dutches.*

Mr. Mills, Colo. Van Cortlandt, Judge Graham—*Westchester.*

Mr. Newkirk—*Tryon.*

There being no business of an urgent nature, the Committee adjourned till this afternoon.

WEDNESDAY AFTERNOON, *Octr. 30th*, 1776.

The Committee met.

PRESENT—Colo. Van Cortlandt, *Vice-President.*

Mr. Roosevelt—*New-York.*

Mr. Mills, Colo. Van Cortlandt, Judge Graham—*Westchester.*

Mr. A. Yates, Mr. Adgate—*Albany.*

Mr. Newkirk—*Tryon.*

Mr. Smith, Mr. Miller—*Suffolk.*

Mr. Contine, Major Parks—*Ulster.*

Major Landon—*Dutches.*

On motion of Mr. Adgate, seconded by Mr. Yates,

Resolved, That the further sum of £980 be transmitted to the committee of Albany for the pay, bounty and subsistence of the rangers; that the Treasurer of this State pay that sum to Abraham Yates, Junr. Esqr. to be delivered to the said committee for the purposes aforesaid; and that the said committee regulate themselves in paying the said money agreeable to the resolutions of the Convention of the Representatives of this State on the 23rd day of July last, for raising, mustering and paying the said rangers, and the resolves and instructions of this Committee of the 21st inst. for the same purpose; and the said committee are directed to be particularly careful that every muster roll of each company of rangers be returned on oath, by each commissioned officer of each company making return, before it is transmitted to the Convention; and that they do not advance the last moiety of the bounty, or any pay or subsistence for any rangers but such as are armed and accoutred agreeable to the said resolutions.

Sergeant Sickles, attending with twenty coopers, informed that he had no means of subsistence for the said coopers.

Ordered, That Robert Benson, Esqr. one of the Secretaries, advance 5¼ dollars to Sergeant Sickles, on his receipt, for the subsistence of the said coopers, taking a receipt for the same in the name of Henry Schenk, Esqr.

The Committee took into consideration the letter from Peter T. Curtenius, dated the 20th and received on the 29th inst. stating the sums he has advanced for clothing and the sums he is indebted, and requesting an advance of £15,000.

After some time spent therein, the further consideration thereof was postponed till to-morrow.

A letter from Mr. McNeal, stating that John Kane refuses to receive Congress money in payment of his mortgage, [was received and read.]

Ordered to lie on the table.

On motion of Mr. Adgate,

Ordered, That Mr. Abraham Yates and Mr. Wisner be a committee to devise and report ways and means for obtaining intelligence from Albany, and keeping up a regular communication between Fishkill and Albany.

Major Strang from White Plains, on request, attended and informed this Committee of the intelligence from the army and their present situation.

THURSDAY MORNING, *31st Octor.* 1776.

The Committee met pursuant to adjournment.

PRESENT—Colo. Van Cortlandt, *Vice-President.*

Mr. Brasher, Mr. Harper, Mr. Roosevelt—*New-York.*

Mr. Yates, Mr. Adgate—*Albany.*

Mr. W. Smith, Mr. Miller—*Suffolk.*
Mr. Wisner, Mr. Little—*Orange.*
Mr. Contine, Mr. Parks—*Ulster.*
Mr. Mills—*Westchester.*
Mr. Newkerk—*Tryon.*

On motion,

Ordered, That Mr. Robert Harper be added to the committee appointed on the 17th inst. to inventory all the goods belonging to the State fit for soldiers' use, and procure the same to be made up for soldiers' use, that the committee may prosecute that necessary business.

On motion of Mr. Mills,

Ordered, That Mr. Abm Yates and Mr. Landon be a committee to inquire whether the rangers under the command of Capt. Commandant M. Smith will continue in the service during the war, and to report a proper arrangement for that purpose.

Ordered, That Major Parks be added to the committee appointed yesterday to devise ways and means for obtaining intelligence from Albany, and keeping up a regular communication between Fishkill and Albany. And

Ordered, That the powers of that committee be increased, and that they devise ways and means for the conveying intelligence to other parts of the State, by publishing handbills, newspapers or otherwise.

The Committee resumed the consideration of the letter of Peter T. Curtenius, of the 20th inst. which was received on the 29th, and read yesterday.

Ordered, That the sum of £15,000 be immediately remitted to Peter T. Curtenius for the purposes of paying for the clothing, &c. that he has purchased for the use of the troops raised or to be raised in this State. That the Treasurer of this State deliver that sum to Robert Benson, one of the Secretaries, to be conveyed to Mr. Curtenius, who is directed to return a receipt to the Treasurer for the same. And

Resolved, That Colo. Curtenius be directed to have the goods by him purchased at Philadelphia and in New Jersey, transported to Perhamus or such other place of safety in his neighbourhood as he may think a proper place of safety, and have the same there stored until the further order of the Convention or Committee of Safety of this State.

A letter from Egbert Dumond, Esqr. dated 25th September, containing his reasons for not complying with the order of the Convention of this State of the 12th September last, directing him to account with the Treasurer for moneys advanced him, was received and read. Thereupon,

Resolved, That it is the opinion of this Committee that the reasons contained in the said letter are unsatisfactory and insufficient. Therefore,

Ordered peremptorily, That the said Egbert Dumond do immediately comply with the said order. And

Ordered, That the Secretaries transmit a copy of this aforegoing resolve and order to Mr. Dumond, without delay.

THURSDAY, *P. M. Octr.* 31*st*, 1776,

The Committee met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, *Prest.*
Mr. Adgate—*Albany.*
Mr. W. Smith, Mr. Miller—*Suffolk.*
Mr. Cantine, Mr. Parks—*Ulster.*
Mr. Platt—*Dutches.*
Mr. Little—*Orange.*

Resolved, That Commissary Wykoff supply 21 men with provisions, being the coopers sent here by Genl. Jas. Clinton, until they are otherwise provided for by Mr. Henry Schenk.

After the daily rider came in, present Mr. Duer, Mr. Newkirk and Colo. De Witt.

Uriah Mitchell, one of the daily riders from this place to the Head-Quarters, applied to this Committee for cash on account of his wages.

Ordered, That the Treasurer of the Convention of this State advance to the said Uriah Mitchell, $100 on account of his wages, taking his receipt for the same.

FRIDAY MORNING,

Novr. 1*st*, 1776.

The Committee met pursuant to adjournment.

PRESENT—Colo. Van Cortlandt, *President.*
Mr. Roosevelt—*New-York.*
Mr. Little—*Orange.*
Mr. A. Yates, Mr. Adgate—*Albany.*
Mr. Newkirk—*Tryon.*
Mr. W. Smith, Mr. Miller—*Suffolk.*
Mr. Duer—*Charlotte.*
Mr. Contine, Mr. Parks—*Ulster.*
Mr. Landon—*Dutches.*
Mr. Mills, Col. Van Cortlandt—*Westchester.*

One of the officers of the present eastern troops, who lodges at Doctor Graham's, on yesterday evening applied to the Committee of Safety and desired that he might remain in one room in the Academy as they board with him, and it may be a convenience to the officers.

Ordered, That Doctor Graham be at liberty to remain in the room in the Academy until the further order of the Convention or the Committee of Safety of this State.

The Committee approved of the order for paying $100 to Mitchel, the rider, made yesterday, and his receipt for the same.

A letter from R. R. Livingston, Esqr. one of the committee sent to the northward, dated at Albany, 23rd Octr. 1776, [was read.]

A letter from Peter R. Livingston, dated manor Livingston, Octo. 29th, 1776, was read.

WHEREAS, by a letter received from Peter R. Livingston, Esqr. bearing date 29th ulto. it appears a second lieutenant is much wanted in Capt. Goosback's company, the better to enable said company to answer the purpose for which they were raised: Therefore,

Resolved, That Samuel I. Ten Broeck be appointed second lieutenant in the said company.

A letter from Robert Yates, Esqr. chairman of the committee sent to Albany, was received and read, and is in the words following, to wit:

"*Albany, Octr.* 25*th*, 1776.

"SIR—We met in committee yesterday, on the arrival of the gentlemen appointed to arrange the army from Saratoga. A number of important objects immediately engaged our attention; a capital one is the supplying the army at Ticonderoga, and the military marching to their assistance. The papers which we have the honour to transmit, will show the steps which have been taken by the committee of this county to aid the deputy-commissary-general here, who, without their exertions, we fear would not have been able to procure the necessary supply—at the best, it will on so sudden an occasion, be a difficult task. It has added to our anxiety to learn by a letter from Genl. Washington to Mr. Livingston, that the army in that quarter was also in danger of being distressed for want of provisions.

"His Excellency entreats Mr. Livingston to use his influence to send without delay flour and beef for that army towards the White Plains, and also a number of teams (the more the better,) to aid in removing the army as occasion may require. We submit it to your consideration, whether if teams cannot now easily be got from the eastward, it will not be advisable to order down a sufficient number belonging to such persons in the manor of Livingston, Kinderhook, and Dutchess county, as cannot be trusted with arms. If this plan should be adopted, every owner

of a carriage should be directed to supply himself with a week's provisions to ease the Commissary as much as possible.

"The spirit of disaffection has appeared at the Hellebergh, Kings district, and Coxsackie, in this county, and it requires vigorous measures to oppose and suppress it.—Nothing is more necessary than that the jails here should be cleared of the State prisoners without delay, and the more especially as all the militia of this city and neighbourhood are marched. We have therefore advised the county committee to send those prisoners, with the causes of their confinement, to Fishkill by water, in order to be forwarded to one of the neighbouring States, or disposed of as you shall judge most advisable. It would have been imprudent in every view to have marched them to another State at this juncture, when none but the disaffected remain in the country, and many of them are in arms, and have threatened a rescue. We have found it necessary to detain a part of Col. Van Ness's Claverack regiment, consisting of about 140 men, here, to oppose the designs of the disaffected at the Hellebergh; as they are much wanted to the northward, we did it with very great reluctance, and indeed it could only have been justifiable on the most urgent necessity. It is much to be wished that Col. Van Rensselaer, with part or detachments of two regiments under his command, could immediately be ordered up to Kings district, to which we have been able, notwithstanding the importunity of the inhabitants, to send only a small detachment of 15 rangers commanded by a lieutenant, and to direct Col. Whiting to raise 100 men in that neighbourhood, and the Massachusetts Government.

"A party of 50 of the Schohary regiment, and some of the manor regiment are detached to Coxackie, where they are employed in dispersing and seizing the disaffected, who are now in arms, and there is yet no account of their progress. We have thought it advisable to direct the few armed and well effected militia of the manor of Livingston to be detained and kept in readiness for the internal service of the county, conceiving it unsafe when the spirit of revolt is so prevalent in that quarter, to leave it defenceless. The information from Kings district and the Hellebergh are enclosed.

"We are, sir, your most hble. servts.

"By order,

"ROBT. YATES, *Chairman.*

"To PETER R. LIVINGSTON, Esq.
President of the Convention of the State of New-York."

DIE VENERIS, *Novr. 1st.* 1776, 4 *o'clock P. M.*

The Committee met pursuant to adjournment.

PRESENT—Col. P. Van Cortlandt, *Vice-President.*
Mr. Harper—*New-York.*
Col. Van Cortlandt, Mr. Mills—*Westchester.*
Mr. A. Yates, Mr. Adgate—*Albany.*
Mr. Little—*Orange.*
Mr. W. Smith, Mr. Miller—*Suffolk.*
Mr. Newkirk—*Tryon.*
Mr. Contine, Major Parks—*Ulster.*
Mr. Landon—*Dutches.*

Capt. Commandant Melancton Smith and Capt. Wm. Clark respectively delivered in their muster rolls, and the pay and billeting or subsistence rolls of their late respective companies of rangers, whose time of service now expires. The pay and billeting money or allowance for rations and necessaries from the 26th July to 31st Octr. inclusive, amounting in the whole to the sum of £877 1*s.* 10¼*d.* as appears by the said rolls, and also by certificates signed by Mr. G. Bancker, deputy treasurer and clerk or assistant to the Auditor-General, that he has examined the same and finds them just, and the pay and billeting money and allowance for divers necessaries due to Capt. Clark's company amount to £921 14*s.* 5¾*d.* as appears by the like rolls, and a similar certificate of Mr. Bancker.

Ordered, That the Treasurer of this State pay to Capt. M. Smith the sum of £449 1*s.* 10¾*d.* which, together with the sum of £428, by order of the Convention of this State paid to Egbert Benson, Esqr. to be applied to the payment of the wages and subsistence of the companies under the command of Capt. Smith, and applied accordingly on the 16th day of September last, amounts to the said sum £877 1*s.* 10¾*d.* And

Ordered, That the said Treasurer pay to the said Capt. Wm. Clark, on his receipt, the sum of £921 14*s.* 5¾*d.* in full, for the pay and billeting money due to that company.

Mr. Abraham Yates, from the committee appointed for the purpose, brought in a report, devising means of a steady communication of intelligence between Fishkill and Albany; the said report was read, and the consideration thereof was postponed until to-morrow.

DIE SABBATI,

Nov. 2nd, 1776, *A. M.*

The Committee met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt *Vice-President.*
Mr. Harper, Mr. Roosevelt—*New-York.*
Col. Allison, Mr. Little—*Orange.*
Mr. A. Yates, Mr. Adgate—*Albany.*
Mr. Newkirk—*Tryon.*
Mr. W. Smith, Mr. Miller—*Suffolk.*
Mr. Contine, Mr. Parks—*Ulster.*
Mr. Landon—*Dutches.*

A letter from Jacob Odell, dated and received yesterday, was read. He thereby informs, that through sickness he is confined at Benjamin Dyckman's, and is unable to ride, and must therefore quit that business; that as he is unable to ride, he has sent up his brother with his account.

The said account being also read, consists of the following articles, vizt:

To riding express from Philipsburg to New-York and returning, 27 miles,	£1	7	0
To do. from Philipsburgh to Fishkill, 42 miles,	2	2	0
To do. as a messenger, from 19th September to the 1st of Novr. inclusive 44 days, at 16*s.* per resolve of Convention, dated 17th Septr. 1776,	35	4	0
	£38	13	0

Ordered, That the Treasurer of this State pay to Abraham Odell the sum of thirty-eight pounds thirteen shillings, in full for the account of Jacob Odell, and take Abm. Odell's receipt for the same.

An account of Benjamin Dyckman, dated 10th Octr. 1776, amounting to four pounds, for going express from Fishkill to Albany, was read.

Ordered, That the Treasurer of this State pay to Sampson Dyckman, on his receipt, the said four pounds, for the use of his brother Benjn. Dyckman.

The Committee were informed, by Mr. Robt. Harper, that the soldiers want shoes. Mr. Curtenius' letter of the 20th Octr. was thereupon read. Col. Brasher was then sent for to this Committee; he explained the present state of the goods belonging to the State.

Ordered, That the committee appointed for procuring of clothing and having them made, report the most proper method of disposing of the clothes on hand, and procuring coarse cloths, and every matter they may think necessary, for the purpose of completing clothing.

Thereupon a draft of a letter to the three brigadier-generals of this State, was read and approved of, and is in the words following, to wit:

"SIR—We are informed (and have reason to believe it is true) that the troops stand in need of clothing. We have ordered Mr. Curtenius to collect all the clothing which is in the south of this State and belonging to the same, to Peramus in New-Jersey. We request your information, whether it is necessary to send clothing for our troops to our army at this time; if so, by what route, and to whose

care, and whether for any of our troops but those to continue in general service during the war.

"We are respectfully, sir, yours, &c."

Mr. Wisner informed the Committee, that pursuant to the order or indemnification of this Committee for that purpose, on the sixteenth day of October last, he has expended upwards of one hundred and forty pounds on the roads in Orange county, leading towards the American army, and engaged the same men at 4*s*. per day each, for a fortnight longer, they maintaining themselves, which will cost upwards of one hundred and forty pounds more, and he requested an order on the Treasurer for three hundred pounds for the purpose aforesaid.

Ordered, That the Treasurer of this State pay to Henry Wisner, Esqr. the sum of three hundred pounds, on his receipt, to be applied to repair the roads in Orange county, leading to the American army, in order to enable the inhabitants of the county, as well as the public agents employed for the purpose, to transport provisions and other necessaries to the said army.

SATURDAY, P. M. *Novr. 2nd*, 1776.

The Committee met pursuant to adjournment.

PRESENT—Col. Van Cortlandt, *Vice-Prest.*
Mr. A. Yates, Mr. Adgate—*Albany.*
Mr. Wm. Smith, Mr. Miller—*Suffolk.*
Mr. Contine—*Ulster.*
Col. Van Cortlandt—*Westchester.*
Mr. Landon—*Dutches.*
Mr. Newkirk—*Tryon.*
Colo. Allison, Mr. J. Smith, Mr. Wisner—*Orange.*

A memorial of William McNeal, dated the 17th Octr. was read. He therein sets forth that Col. Dirk Brinckerhoff has taken from the store of Peter Burgardus 30 bushels of salt belonging to the memorialist, which he detains, to the great injury of the memorialist, whereby the said William McNeal is likely to lose several sums of money for which he was to have received payment in beef and pork, and praying redress in the premises.

Ordered, That the said memorial be referred to the county committee of Dutches county to hear and determine thereon.

A letter to the committee of Dutches county was read and approved, and is in the words following, vizt:

"SIR—The enclosed petition and order thereon I am directed by the Committee of Safety for this State to refer to the general committee of the county of Dutches to be by them, as soon as convenient, taken under consideration.

"I am, sir, yours, &c.

"To EGBERT BENSON, Esqr. Chairman."

A billeting roll of Capt. Elias Hasbrouck's company of rangers, consisting of 28 men, officers included, embodied in Ulster county, was delivered to the Committee, charging one hundred and fifty-five pounds fifteen shillings and threepence halfpenny for billeting from the time of their enlistment to the 31st of Octor. inclusive.

A pay roll of the said company was also delivered, wherein is charged two hundred and twenty-nine pounds three shillings and sixpence for the pay of the said company to the 31st of Octor. inclusive.

A muster roll of the said company, subscribed by all the commissioned officers of the said company, was also read and delivered in; all which Capt. Hasbrouck declared to be delivered upon his oath taken before the county committee, agreeable to the resolutions of Convention of the 23d July last.

A certificate of Mr. Gerard Bancker, clerk and assistant to the Auditor-General, was read, whereby he certifies that he carefully examined the said pay roll and billeting roll of Capt. Elias Hasbrouck's company, amounting together to three hundred and eighty-four pounds eighteen shillings and ninepence halfpenny, and finds them right calculated.

Ordered, That the Treasurer of this State pay to Capt. Elias Hasbrouck, on his receipt or receipts, the said sums of money, amounting together to the sum of three hundred and eighty-four pounds eighteen shillings and ninepence halfpenny, for the pay and billeting or subsistence of his company to the 31st of Octor. last, inclusive.

Capt. Elias Hasbrouck applied for the second moiety of the bounty for twenty-five men of his company who are enlisted and mustered, as appears by the muster rolls now delivered. Thereupon,

Ordered, That Robt. Boyd, Esqr. chairman of the committee of Ulster county, pay to Capt. Elias Hasbrouck the sum of three hundred and twelve dollars and one-half of a dollar, in full for the bounty of the said twenty-five men, out of the money formerly deposited in his hands for advancing the first moiety of the bounty to the rangers raised in Ulster county; that Mr. Boyd take duplicate receipts from Captain Hasbrouck for that money, the duplicate of that receipt to be of the same tenor and date, and declaring that they are duplicates and for the same sum.

The committee took into consideration the subject of a letter from General George Clinton, of the 30th October, mentioning the advantage of mounting a few cannon at different places near the level of the water, on the banks of Hudson river, in the Highlands. Thereupon,

Resolved, That Henry Wisner, Esqr. and General James Clinton be and are hereby authorized, requested and empowered to have such cannon as they may think proper, placed on such places and such small works as they may think proper for that purpose, erected on the banks of Hudson's river for the annoyance of the enemy's ships, should any attempt to pass; and General James Clinton is hereby requested to afford every aid, of men, artillery, or otherwise, in the premises, consistent with the public service.

A petition of William Forbes, a disaffected man, confined in Litchfield jail, was read. He requests a mitigation of his confinement.

Ordered, That the said petition be referred to Col. De Witt and Judge Graham to consider and report thereon.

SUNDAY MORNING, 10 HO. A. M.

The Vice-President and Committee met pursuant to adjournment.

No business done.

Adjourned to six o'clock.

6 ho. P. M.

The Vice-President and Committee met pursuant to adjournment.

A letter from T. Tilghman to the committee of correspondence was read; and two letters from camp to John McKesson were read.

MONDAY MORNING,

Novr. 4th, 1776.

The Committee met pursuant to adjournment.

PRESENT—Col. P. Van Cortlandt, *Prest.*
Mr. R. Harper—*New-York.*
Col. Allison—*Orange.*
Mr. Yates, Mr. Adgate—*Albany.*
Mr. Newkerk—*Tryon.*
Mr. Smith, Mr. Miller—*Suffolk.*
Mr. Contine—*Ulster.*
Mr. Landon—*Dutches.*

A letter from Tench Tilghman to the Vice-President, dated the 3rd inst. and received this morning, was read and filed.

The General consents that eighty men of Colonel Tasher's regiment, be sent with provisions to Connecticut.

Mr. Landon produced a memorandum of the amount of sundry accounts for the maintenance of the poor from New-York, placed in Rumbout's precinct, amounting, in the whole, to the sum of seventy-eight pounds eleven shillings.

Ordered, That the said memorandum be submitted to Henry Schenk, Esqr. that he request the several accounts and vouchers mentioned therein, and that he report thereon to the Convention or Committee of Safety of this State.

A number of papers relative to prisoners of war lately maintained at Kingston, in Ulster county, and now removed, were handed in.

Ordered, That they be delivered to the Secretaries as commissaries for the prisoners of war; that if they find any difficulty in settling those accounts, they report the difficulties for order to be made thereon.

A letter or account of the like kind, from Col. Tusteen, was read and delivered in the same manner, and with the like order.

It was moved that the sum of thirty pounds be advanced to Mr. Christopher Collis, for the purpose of enabling him to make wire and wool cards, if he, at any time, shall satisfy the Convention, or Committee of Safety, with regard to the progress he shall make in the business, and execute his bond to the President of this Committee for the payment thereof, at the end of nine months from this day.

The question being put thereon, it was carried in the negative.

On motion,

Resolved, That a bounty of two shillings per pair be allowed for every pair of good wool cards made in this State out of iron wire manufactured in this State, within six months from this day. That the said bounty shall be payable to an order on the Treasurer of this State, on full and due proof made by the oath of the owner of the said works, before the chairman of the committee of the district, or the nearest magistrate to the said works, or before the President, in Convention, of the Representatives of this State, or the House of Representatives thereof, for the time being, that the wire of which such wool cards has been made, and also the said wool cards have been manufactured and made at his works within this State, provided such proof be made, and the bounty applied for within one month after expiration of the said six months.

Mr. Tilghman's letter of the second November, was read; to be delivered to Mr. Duer for the present.

A letter of the 3rd inst. from Tilghman, was read.

Ordered, To be communicated to the committee for detecting and defeating conspiracies.

A letter from Philip Livingston, recommending Bamper for a commission, was also read.

A letter from Bamper, requesting a commission, was read, and committed to the committee of arrangement.

A letter from John Imlay, [containing] an account of the sale of the sloop Putnam, and a receipt for one hundred and seventy pounds, was read, and the consideration thereof deferred for the present.

4 *ho. P. M. Novr. 4th*, 1776.

PRESENT—Pierre Van Cortlandt—*President.*
Mr. Yates, Mr. Adgate*—*Albany.*
Mr. Smith,* Mr. Miller—*Suffolk.*
Mr. Contine*—*Ulster.*
Mr. Newkirk*—*Tryon.*
Col. Allison*—*Orange.*
Col. Van Cortlandt—*Westchester.*

The letter from John Imlay, the receipt for one hundred and seventy pounds, and the account of sales, was again read, and committed to Mr. Roosevelt and Col. Brasher to report thereon.

Mr. Abraham Yates, from the committee to whom was referred the consideration for ways and means to convey and obtain intelligence from Albany, reports:

"That they conceive it will be necessary that a rider be hired to set out to Albany next Wednesday; that he be ordered to ride so as to arrive in the city of Albany no later than eleven o'clock in the morning; that he then wait the direction of the committee of this House, (or, in their absence, the sub-committee of the city and county of Albany,) when to set out, provided he be detained no longer than twelve o'clock the Saturday following, and on his return be no longer by the way than Tuesday following, at 12 o'clock; that he alternately ride on the east and west side of the river; that the following letter be wrote to the deputy postmaster at Albany, that he direct the post to give warning to this Convention on his way going to and returning from Albaay, so that intelligence may be sent by him in the mean time."

[Letter not entered on the minutes.]

TUESDAY MORNING,

Nov. 5th, 1776.

PRESENT—Col. Van Cortlandt, *Vice-President.*
Mr. Roosevelt—*New-York.*
Mr. Newkirk*—*Tryon.*
Mr. Yates, Mr. Adgate*—*Albany.*
Mr. Wisner, Col. Allison*—*Orange.*
Mr. W. Smith,* Mr. Miller—*Suffolk.*
Mr. Contine*—*Ulster.*
Mr. Landon—*Dutches.*
Colo. P. Van Cortlandt—*Westchester.*

The gentlemen whose names are marked with asterisks are a quorum of the Committee of Satety.

Mr. Wisner applied for an order for one hundred pounds, on account to pay sundry accounts for spears made in Orange county for the militia of this State.

Ordered, That the Treasurer of this State pay to Henry Wisner, Esqr. on his receipt, the sum of one hundred pounds on account, to be by him applied to pay for the spears made in Orange county.

Mr. Roosevelt reported to the committee that Col. Brasher and himself had examined the muster rolls, account of sales and papers relative to the schooner General Putnam, and find that for want of proper papers and more full information it will be impracticable to settle with Thomas Quigly, the late lieutenant of that vessel, for the crew. Thereupon,

Resolved and Ordered, That John Imlay and Comfort Sands, Esquires, be and hereby are authorized and empowered to examine and settle accounts relative to the schooner General Putnam, and to settle with and discharge the crew of that vessel in the most frugal manner possible; and for that purpose that they be and hereby are authorized to apply the nett amount of sales of the vessels and appurtenances. That Comfort Sands, Esqr. be requested to take with him such papers, or extracts of papers, or accounts, from his own or the Treasurer's office, and to advance such sum of money as may be necessary for that purpose.

A letter from Comfort Sands, Esqr. dated this day, was read, and is in the words following, that is to say:

"*Fishkill, Novr. 5th*, 1776.

"SIR—Capt. Belknap, one of the captains of the rangers, ordered to be raised in Ulster county, has applied for the pay and subsistence and half bounty of his company. The former I have settled, the latter I want your directions about.

"It appears there has been moneys sent to the different county committees for the one-half bounty, but as the company is not more than one-half full, there must be money

yet remaining in the hands of the committee, which I think it would be best to draw out, and settle their bounty there; for while money is continually advanced to different committees and persons, it will be impossible for me ever to get the public accounts settled.

"I am, sir, your very hble. servt.
"COMFORT SANDS.

"To PIERRE VAN CORTLANDT, Esqr.
President of the Convention
of the State of New-York."

WHEREAS it appears by a certificate signed by the chairman of the county committee of Ulster county, that Capt. Isaac Bellknap, and the other officers of his company, are duly qualified according to the resolutions of the Convention of this State, and by the muster roll of the said company, signed and subscribed by the officers, that the said company consists of twenty-one non-commissioned officers and privates:

Ordered, That Robert Boyd, Esqr. chairman of the committee of Ulster county, pay to Capt. Isaac Bellknap two hundred and sixty-two dollars and one-half of a dollar in full, for the second or last moiety of the bounty of the said twenty-one rangers raised in Ulster county, out of the money formerly deposited in his hands for advancing the first moiety of the bounty to the said rangers; that Mr. Boyd take duplicates of the receipt from Capt. Bellknap for that money. The duplicates of that receipt to be of the same tenor and date, and declaring that they are duplicates and for the same sum. The said muster roll is filed in the Auditor-General's office.

A letter from Comfort Sands relative to the pay of Barrack Master G. Roorback, requesting directions what shall be his pay and rations.

Mr. Curtenius was called in and advised with, relative to that claim. Thereupon the further consideration thereof was postponed till the afternoon, and Mr. Sands is requested to attend in the afternoon to give the Committee information relating to the said barrack master.

Mr. Curtenius was heard as to the clothing purchased for troops. The Committee spent some time in considering the propriety of delivering the whole to the Quarter-Master-General, and the further consideration thereof is postponed.

Egbert Benson, Esquire, chairman of the committee of Dutches county, attending, was admitted. He informed that it is necessary to procure a number of hands to be employed to build barracks, and proposed that a draft should be made from the militia of Dutches county for that purpose.

Ordered, That Col. Allison and Major Landon be a committee to consider and report thereon.

Novr. 5th, P. M. 4 ho.

The Committee met pursuant to adjournment.

PRESENT—P. Van Cortlandt, Esqr. *Vice-Prest.*
Mr. Roosevelt—*New-York.*
Col. Van Cortlandt—*Westchester.*
Mr. A. Yates, Mr. Adgate—*Albany.*
Col. Allison, Mr. Jos. Smith—*Orange.*
Mr. Miller, Mr. Smith—*Suffolk.*
Mr. Contine—*Ulster.*
Mr. Newkirk—*Tryon.*
Mr. Landon—*Dutches.*

The report of the committee for calling in labourers to build barracks was read and the consideration thereof postponed till to-morrow.

A letter frrom Samuel Brewster, Esqr. chairman of the committee of New-Windsor, covering an affidavit relating to one Connor and Montgomery was read.

The said affidavit and letter set forth sundry matters which rendered it very probable that certain quantities of butter and flour purchased by the said Connor and Montgomery, were purchased with an intent to supply the enemy.

Ordered, That the said papers be referred to the committee for detecting conspiracies.

The committee on considering the letter of Francis Lewis and Philip Livingston, Esqrs. requesting another Delegate to be sent to Philadelphia, &c.

Ordered, That Mr. McKisson, as Secretary, write a letter to Mr. Duane, and inform him that the attendance of another Delegate is necessary at Congress; that the public accounts of this State are ready to be laid before the Continental auditors; that it is apprehended his attendance at Congress when those accounts are under consideration of the proper board, will be peculiarly useful to this State, and therefore that he is requested to return to Fishkill, that he assist to perfect the arrangement of the army and prepare to attend at Congress.

WEDNESDAY MORNING.

Novr. 6th, 1776.

The Committee met.

PRESENT—Col. Van Cortlandt, *Vice-Prest.*
Mr. Adgate, Mr. Yates, Junr.—*Albany.*
Col. Drake, Col. Van Cortlandt—*Westchester.*
Mr. Smith, Mr. Nicoll—*Suffolk.*
Mr. R. R. Livingston, Mr. Landon—*Dutches.*
Mr. Contine—*Ulster.*
Col. Allison, Mr. J. Smith—*Orange.*
Mr. Newkirk—*Tryon.*

A letter from Colo. Benjamin Tusteen, dated Goshen, November the 4th, 1776, relative to some cloths he has purchased and requests to know whether he shall have clothes made for the soldiers, was received and read, and referred to the committee appointed to have the goods made up at Fishkill.

A letter from Johannes Sleght, dated at Kingston, relative to salt, of which there is a great scarcity, was read.

A draft of an answer to said letter was read and approved, and is as follows:

"SIR—Your letter having been read in Committee of Safety, they are of opinion that it would have come more properly through your committee. They lament the wants of your people, but are ignorant of any store of salt at Albany or Dutches counties, both of which they are satisfied are by no means supplied; but should it be otherwise, they make no doubt that you may purchase on the same terms as the people of those counties. As this Committee have no thought of interfering without the most absolute necessity, in the regulation of the prices of any article of merchandise whatever, since its only tendency is to increase the scarcity, and injure individuals.

"I am, sir, &c.

"JOHANS. SLEGHT, Esqr."

A letter from General Schuyler, dated at Albany, Novr. 3rd, 1776, was received and read, and is as follows, to wit:

"*Albany, 3rd, Novr.* 1776.

"SIR—I do myself the honour to enclose you an extract of a letter from General Gates, of the 31st ulto. with copy of one from Major Hoisington to him. If Sir Jno. Johnson left Canada at the time the deserters mention, he has probably met with such difficulties as have obliged him to return, as I think he could not subsist from that time to this in the woods. We have no less than eleven different scouts traversing the country between Tyconderoga and Fort Stanwix, so that I am in hopes should the enemy attempt to penetrate to the Mohawk river, we shall have such early information as to enable us to meet him with a sufficient force.

I have already ordered two regiments from Tyconderoga to Tryon county, and about one thousand of the militia,

so that our force there, exclusive of the militia of that county, will amount to two thousand men, besides the garrison of Fort Schuyler.

"I wish the Convention would order the depth and breadth of Hudson's river to be carefully taken at such places as they conceive would be most proper effectually to obstruct the navigation. Verplanck's Point, or Jan Kanten Hook, may be proper places; perhaps the latter, the most eligible of any. I propose taking the earliest opportunity that is offered me to prepare every thing for it. At present I cannot, as I have neither troops nor carpenters, the latter being all employed in constructing barracks.

"I am, sir, with great respect,

"Your most obt. hble. servant,

"PHIL. SCHUYLER.

"P. R. Livingston, Esqr. President, &c."

The extract of a letter from General Gates, dated at Ticonderoga on the 31st ulto. giving an account of the movements of the enemy on Lake Champlain, enclosed in General Schuyler's letter, was also read. Also a copy of a letter from Major Joab Hoisington to General Gates, dated at Newbury, October 12th, 1776, communicating the intelligence given by 4 deserters from Canada, that previous to their leaving Montreal on the 25th of September, that Sir John Johnson, with the Indians and Canadians, and 8th regiment, had marched to attack the inhabitants on the Mohawk river, and meet Genl. Burgoin in Albany, was also read.

Ordered, That an extract of Genl. Schuyler's letter, which relates to taking the soundings of Hudson's river, be transmitted to the secret committee, now at the forts in the Highlands, and said committee cause the soundings to be made.

A letter from John Tayler, Esquire, dated at Albany, Novr. 3rd, 1776, enclosing a notification signed by Mr. Mathew, town clerk, dated at New-Marlborough, Octr. 4th, 1776, requesting the inhabitants to meet and give their sense relative to their revolting from New-York, was read and filed.

Whereas by the decease of Theodorus Van Wyck and Andrew Barclay, loan officers of the city and county of New-York, in this State, the loan office books and seal has fallen into the hands of Nichs. Governeur, only surviving loan officer, who from his residence in New-Jersey, is incapable of carrying on the business of the office:

Ordered, therefore, That said books and seal be delivered into the hands of the Treasurer of this State, or Gerard Bancker, his deputy, and that he be directed to act as loan officer, until further order of this Convention.

Ordered, That the said Treasurer's or his deputy's receipt shall, on payment of the money, be considered as a full discharge for any money due to the loan office.

Ordered, That the executors of Theodorus Van Wyck, deceased, account with and pay into the hands of the said Treasurer, or his said deputy, all the money due from the estate of their testator to the loan office of this State.

Ordered, That a copy of the above be served on the Treasurer of this State, and that Mr. Gerard Bancker apply to Mr. Gouvernier for the books, seal and accounts above mentioned, and to the executors of Theodorus Van Wyck for the sums in their hands, and serve them with a copy thereof.

Robert Yates, Esquire, from the committee appointed on the 19th of October last, to coöperate with Major-Genl. Schuyler in devising and carrying into execution all such measures as they should deem most effectual for repelling the invasion of the enemy's army on the northern and western frontiers of this State, made the following report:

"A majority of your committee, vizt: Evert Bancker, Jacob Cuyler, John Tayler, James Duane, Robert R. Livingston, Robert Yates, John Ten Broeck, convened at the city of Albany on the 24th day of October last, agreeable to order, to perform the duties assigned them, and receiving intelligence from Mr. Tayler, one of your committee, who had just arrived from Cumberland, that the militia of Cumberland and Glocester were ordered to hold themselves in readiness to march on their receiving intelligence that the enemy were beseiging Ticonderoga, and that it was their intention to take the route through the country to that place.

"A letter was addressed to General Schuyler, advising him thereof (knowing the scarcity of provisions at that garrison,) and communicating also our belief, that from certain affidavits, copies whereof had been transmitted to him by the committee at Albany, some part of the enemy's force proposed making incursions into the western frontier. We therefore lamented the necessity that called Colonel Dayton's regiment to Ticonderoga, and left so important a communication to be guarded chiefly by militia, and submitted the propriety of employing active scouts who should go from the head of Hudson's river to Ticonderoga, and to whom rewards should be offered on their bringing intelligence of the enemy's approach.

"Having received information of a most dangerous conspiracy of the tories at Helenbergh, we despatched an express to Colonel Van Ness, who was at Schuyler's Ferry, on his march to Fort Edward, to recall his regiment, to employ them against the insurgents; of this measure also we informed Genl. Schuyler; and in order to discover the numbers, motions and designs of the insurgents, a soldier recommended by Colonel Van Schaick for that purpose, was sent as a spy, with instructions and a promise of a reward of ten pounds if he should perform the service satisfactorily.

"On the 25th of October a letter was received from Colonel Whiting of Kings district, giving information of the number and hostile designs of the tories in that district; whereupon, Capt. Baldwin with fifteen men of the Albany rangers, was immediately despatched to assist in securing the said insurgents, and Colonel Whiting was directed and authorized to raise and detain all the well effected militia remaining in that district, for the same service, and also to call on the nearest towns in the State of Massachusetts Bay for such a number of men as would, together with his own and the rangers, make up an hundred; and also, that he should see the men properly supplied with provisions agreeable to the Continental allowance. The whole to be commanded by Colonel Whiting until superseded.

"Mr. Avery, deputy commissary, furnished a report of all the flour remaining at Ticonderoga, and the several stages between that and Albany, from which, after deducting what was probably expended or would be consumed in the course of fourteen days, there would then only remain about 2,520 barrels.

"A representation having been made to your committee that Doctor Henry Van Dyck, Cornelius Glen, Benjamin French, Jacob A. Lansing, John Stevenson, Henry Ten Eyck, John Van Allen, Jns. Visscher of Schenectady, Major Eminston, Peter Van Schaick, Peter Vosburgh, Robert Oakley, James Dole, Baker, John Fryer, were persons disaffected to the cause of American liberty, and that their stay in the county of Albany would be dangerous: It was therefore,

"*Resolved*, That the members of the committee who were members also of the committee of Albany, wait on the committee of the said county, and submit it to their consideration, if they have just grounds of the unfriendly dispositions of the said persons, to remove them immediately out of this State.

"It being also represented to the said committee that there were many disaffected persons in the manor of Livingston and its neighborhood, and that the remaining militia who can be relied on are few in number and badly armed: It was therefore,

"*Resolved*, That a letter be sent to the commanding officer of the manor regiment, informing him to detain the

militia there, and hold them in readiness to suppress any insurrections among the disaffected in that part of the State, or wherever else they may be ordered by your committee or the Committee of Safety of the State of New-York.

"A resolution was also passed, requiring the committee of the manor of Livingston, immediately to arm and equip the company of rangers raised in that district, and order them to be quartered at or near the place of rendezvous, and kept in readiness for immediate service. A copy of said resolution was sent to Colonel Henry Livingston, of the manor of Livingston.

"Your committee, by a letter to Peter R. Livingston, Esquire, President of the Convention, advised them of the progress they had made in the execution of the duties assigned them.

"John Vondenberg, who resides near Hellebergh, and supposed to be well acquainted with the designs of the disaffected in that neighbourhood, was examined, and reluctantly disclosed that he had attended a meeting at the Hellebergh, and was there advised not to march with the militia to the northward; that there were present at that meeting, John Reid, Joaghim Huyck, Jacobus Long, Hans Segar, Jacobus Oliver, Jacob Huyck, John Cummins, Arnet Wermer, Adam Sagar, Christian Huyck, Jacob Bradt, Garret Bradt, and that one Richard Redley had in his possession the Proclamation of General Howe. That their plan was to assemble in three parties of about thirty men each, to resist any troops that might attack them; that the one party, under command of Albertus Van Alstyne, to meet at the Hellebergh; another, under the command of John Cummins, at Norman's Kill, and the third, under the command of Arent Wormer, at Neskitaw; that the party attacked were to notify the others, that they might coöperate in their resistance.

"Hans Segar said he could get Indians at Schoharie to assist, if he would go for them; that a constant correspondence is kept up between the said parties and the disaffected of Stickook and Coxakie, between whom it was understood that they were to act on the defensive, until the King's troops arrived, and then join them.

"A messenger was despatched to Colonel Vondenbergh and Captain Slingerlandt, requesting their attendance, that they might be informed of the situation of the country in and about the places alluded to in the said examination of Vondenberg, and march, with Colonel Van Ness's regiment as guides, to those places.

"On the twenty-sixth of October, Colo. Vandenbergh and Capt. Slingerlandt attended according to request, and the Colonel produced the returns of such persons in his regiment, amounting to eighty-two, who have not marched up with the militia of the county, most of which absentees it appears by other information, are such as have collected themselves in and about the Hellebergh, for the purpose of opposing by force the measures of Congress. An express was sent with a letter to Captain John Bradt of Coxakie, advising him of the movement of the disaffected in the neighbourhood of the Hellebergh, and requesting him, if he could spare any part of his force, to despatch the Schoharie company and the rangers that way as soon as possible and by the most direct route, and that a party should be despatched from Albany to meet and coöperate with them.

"Colonel Van Schaick, on application, consented to spare about fifty of his Continental troops for two or three days, to be commanded by Capt. Hicks, and marched to the Hellebergh under the directions of your committee, and to be in readiness as soon as possible.

"Captain Baldwin was directed that the fifteen men of his company of rangers should hold themselves in readiness; and Colonel Van Ness was ordered to detach eighty men of his regiment on the same service, while the remainder of his regiment should continue in Albany, and do the duty of the troops ordered out.

"Capt. Abraham Slingerlandt of Col. Vandenburgh's regiment of militia, was ordered to attend the said detachments as a guide in the route they were to take for the apprehension of the disaffected, and Major Ford, who was appointed to the command, was apprised of the nature of the service, and instructed to march the detachment to Conradt Luke's or Tunis Kingerlandt's, where his men were to be refreshed until near daybreak, when he was to march from thence to the Hellebergh, and endeavour to take and disperse the disaffected, who have been or are now assembled in arms, (or, in general, all others between the age of 16 and 50 who can prove no good reason for their not having marched with the rest of the militia agreeable to order.) If they should not be at that place, to follow them to Norman's vale, Nestakew or the Beaver Dam, or wherever else they may be assembled, advising on this head with the guide; also, that he always march with good intelligent scouts ahead, and flanking parties, to prevent surprise or being discovered by persons lurking in the woods for that purpose, and to detain all those whom he might expect designed to give intelligence of his movements. That he should also be particularly careful to prevent the men under his command from plundering or maltreating the inhabitants of the county, whatever might be their political character. To be attentive to secure those persons whose names he was furnished with, and send daily communications of his motions to your committee at Albany, in order that he might be reinforced, if necessary, or supplied with provisions, if his stay should be longer than was expected.

"On the 27th of October, a letter was received from Genl. Schuyler, dated at Saratoga on the 26th, acknowledging the receipt of the letter and affidavits transmitted him on the twenty-fourth, in which he says that although said affidavits would countenance the supposition that the enemy intend an eruption on the Mohawk river, yet he cannot suppose they will attempt it, unless they should be successful at Ticonderoga; he did not like to move Dayton's corps from the westward, but was pressed to do it in such terms by General Gates, that he could not prudently refuse it. Lest however any accident should happen, he advises that Colonel Van Ness with his regiment, should on his return from Coxsakie, march to Schenectady or such place where he can be of most service in case of an attack. The scouts from Johnstown, Fort George, and Fort Edward, agree there is no appearance of an enemy on the northern quarters. General Schuyler enclosed in said letter a copy of a letter he had received from General Gates at Ticonderoga, dated the 24th of October, wherein, after enumerating such articles and supplies as are most wanted at that garrison. General Gates observes:

"'That General Carlton lies close at Crown Point with his navy on his flanks; that he apprehends an attack may soon be expected, but that the communication between Otter creek and Mount Independence was not yet interrupted by the enemy's scouts.'

"A letter was received from John McKesson, Esquire, Secretary of the Convention, dated at Fishkill on the twenty-fourth, giving advice of the apprehension and condemnation by a court martial where Lord Stirling presided, of three traitors or deserters taken in arms, and also enclosing a copy of a letter from Tench Tilghman, Esqr. to the Convention, dated at Head-Quarters, Valentine's Hill, the 22nd instant, mentioning that early on the morning of the 21st, one hundred and fifty men detached from the first and third Virginia regiments, and commanded by Major Green, supported by Colonel Haslets of Delaware, with six hundred men, attacked and put to flight Rogers' rangers, taking many blankets, sixty stand of arms and thirty-six prisoners.

"Your committee immediately acknowledged the receipt of the letter of John McKesson, Esqr. with its enclosure, and suggested the propriety of the committee of correspondence, establishing expresses to Albany, as good

news published by authority, might have a happy effect on the army and on the people.

"On the meeting of the Committee on the 28th of October, a letter from General Schuyler, dated Saratoga on the 27th October instant, covering a letter from Capt. Lathrop Allen, commanding at Fort Dalgton, the 21st of October, and another from General Herkimer, dated at Canajoharie, on the 25th of October, was laid before your Committee.

"Capt. Allen states that on hearing some news from the Lake to our disadvantage, a consultation was held at Canajoharie Castle between the Indians and tories, since which many of the latter have absconded to join the enemy; that the Indians are also moving up. He concludes by requesting the General, as an invasion may shortly be expected, to forward a supply of ammunition, there not being more than 12 pounds of powder to supply the garrison, consisting of 123 effective men.

"General Herkimer informs General Schuyler that Peter Ten Broeck of the Fallkills, Hanyoost Schuyler, Kachyaho Johnson, with about 120 others from the Klace Burragh, have gone off to the enemy; he learns they are gone to Oswego, expecting to meet the enemy there; that the leaders of these runaways have received advice by letters, that within six days from their escape, the enemy would be assembled in force at Oswego; Sir John Johnson to command six hundred regulars, and that twenty-two nations of Indians had joined them. A squaw was the bearer of said letter to Canajoharie castle, and a belt was sent from the hostile nations to the Oneidas to invite them to join them, threatening that if they would not agree to their proposals, they, the Oneidas, should be attacked first, and that not a child's life would be then spared. General Herkimer added, this hostile invasion may be soon be expected, and certainly on the Mohawk; and that the circumstances of the country are such that they cannot resist such a force, and must expect to be slaughtered and drove off at the pleasure of the enemy. He therefore begged and solicited for expeditious succour in troops, to oppose such powerful invaders, to frustrate their wicked intentions; that without such aid, the major part of the inhabitants would lay down their arms rather than be sacrificed in their unprotected situation.

"General Schuyler, in his letter enclosing copies of those of General Herkimer and Captain Allen, remarks that he thinks it absolutely necessary that a body of troops be sent immediately to the Mohawk's river; and concludes by observing, 'I have ordered Colonel Dayton with his regiment, which is at Canistighenna or Half Moon, to halt until they shall hear from you. If you can send such a body of militia into Tryon county as will in all probability secure that part of the country, I then wish you to send orders to Colonel Dayton to prosecute his march to Ticonderoga, where he is much wanted, if not, you will order him back to that county, he having my orders to obey your directions.'

"The committee thereupon resolved and determined to detain the following troops for the defence of the western frontiers, namely:

"Capt. Badt's rangers, who have performed the service at Coxakie,	50	
"A detachment of Capt. Baldwin's company of rangers,	20	
"A detachment under Major Ford of Colonel Van Ness's regiment of Claverack militia,	80	
"A detachment of Schoharie militia under Capt. Hager,	55=205	
"Capts. Hicks and McCracken's companies of Colo. Van Schaick's Continental regiment,		120=325

"If there be added to the troops now on service and the Tryon militia, vizt:

"Elmons's regiment,	443	
"Nichols's do	150	
"Tryon county rangers,	150	
"Militia supposed at	1,000	= 1,743
"The whole will be,		2,068

"Your committee then sent a letter by express to Genl. Schuyler, enclosing copies of the above resolutions, and having previously received intelligence from Major Ford and Capt. Bradt, we mentioned to the General that on the night of the 26th the detachment was despatched against the disaffected at the Hellebergh and its neighbourhood, which was attended with the wished for success, as they dispersed the disaffected without opposition, and many of them were taken. Capt. Bradt, who was despatched on a similar enterprise to Coxakie, had written to us by express that he had successfully performed the service he was sent upon, and that he thought the Coxakie and Catskill companies would be sufficient for any further business in that quarter. Indeed, it appeared to us that the report of the disaffected there had been greatly exaggerated, since the committee of this district had thought fit to discharge some of those who are apprehended as tories; which, however inexpedient, was at least a proof they were not thought dangerous. These vigorous measures having so happily suppressed domestic insurrections, put it in our power to detach the troops, which with the forces already on the western frontiers, are particularly specified in our resolutions. Of their competency we suppose General Schuyler could best judge, and therefore submitted it to his determination, whether Colonel Dayton's regiment should be sent forward to Ticonderoga or commanded to their former station. It appeared to us of the utmost moment that an active and spirited officer, in the then conjuncture, should be invested with the command on the western frontiers, especially as the apprehensions on the part of the Continentals as well as the militia seemed greater than the intelligence communicated to us could justify. We submit it to the consideration of the General, that as we were strangers to Colonel Elmer, if his military character was not sufficiently established, whether Colonel Dayton, (in case his regiment should proceed to Ticonderoga,) Colonel Van Schaick, or some other officer of known abilities, ought not to be appointed to that important department. We determined that such of the proposed detachment as consisted of militia should march without delay. The two companies of Continental troops, not being under our directions, we informed the General, must attend his orders; and should the arrangement meet with his approbation, Capt. Lush's company of town guards, 70 of Colonel Van Ness's regiment, under his command, besides the would remain for town duty.

"Your committee then wrote to Major Ford requesting him to return with the detachment under his command to Albany as soon as the service whereon he was sent was despatched, and at the same time forwarded a letter to Capt. Bratt, commanding the party at Coxakie, to march said party to Albany as soon as their business was accomplished; an order was also given Mr. Avery to furnish the detachment under Major Ford with three days' provisions, which was forwarded immediately.

"John Vandenbergh again appeared before the committee and was examined, and discovering nothing further respecting the tories at Hellebergh, he was dismissed, and for his former services was given 48*s*.

"Dirck Swart was called in and informed your committee that while at Bennington he understood that letters had been received by the committee of that place, from Deputy Commissary Trumbull and Deputy Commissary Yauncey, which mentions that some evil disposed persons near Albany had stopped the provisions going forward to Ticonderoga, and alleged that they had orders to purchase the wheat and send it to the mills; that the wheat was accordingly purchased at 5*s*. 6*d*. lawful; on hearing which, some of the militia that were going up were much enraged and wished Albany in flames.

"As Mr. Swart neither saw said letters nor heard them read, it was not thought proper to take any measures relative thereto until more precise information could be obtained of their contents.

"On the 29th of October, Major Ford, with the detachment under his command, returned from the Hellebergh and reported that he could not discover any parties of disaffected persons assembled together; that he had traversed the country and found that most of the inhabitants had absconded; that he had apprehended, however, John Reid, John Lang, Garrit Slingerlandt, Myndert Bradt, John Sager, Jeremiah Pemberton, John Hallenueck, (who he has, however, since discharged,) Garret Sager, Matthys Hoghtaling, (who he released but detained his arms.)

"Your committee immediately proceeded to examine John Reid, John Lang and Myndert Bradt.

"The character of Reid appeared suspicious, he was therefore remanded to goal. As to Lang he appeared to be misled, and professing his hearty repentance and promising a ready concurrence with the measures of Congress, was thereupon dismissed upon his promise to go and join his militia regiment at Fort Edward. On receiving a solemn promise not to reveal his name, the said John Lang, of Meadhic, stated that being warned to go to Fort Edward, he prepared himself to go accordingly, but on his way was dissuaded from proceeding by Frederick Oliver and Philip Luke, son to John Luke, who were the principal persons that dissuaded people, alleging that they would not go to be slaughtered by the regulars, who would have this country in a month's time. That thereupon he went to Arnet Wormer's, where there were about one hundred who engaged not to go up, nor to injure any person; but if the rangers or militia of Albany came against them, they would resist them. They then agreed to keep scouts in the roads and that they should notify each other upon any alarm. That besides the above persons, Frederick Wormer, Frederick Cransie, John Commens, were at the meeting; that the views of those people, when assembled, was to hold out until the regulars should come, and then join them; that Arnet Wormer was to direct one of the parties, Bat Hallenbeck another, and Frederick Oliver the third party. The said John Lang being further examined, stated that there were present in the above company George Swan, Peter Classe, Peter Bradt, Staats Bradt, Wouter and George Slingerlandt, Storm Bradt, Myndert Bradt, Garret Bradt, John Commens, (a principal,) Jacobus Oliver, Jacob Ball a captain of Beaver Dam, (which latter he has heard to declare he would not go up all,) Henry Warner, Jacobus Houghtaling, Johannes Sager, Adam Sager, Jellis Creeble and John Wedewman.

"We proceeded to examine Myndert Bradt, who appeared to be an ignorant lad of about seventeen years of age; he not being sufficiently candid, was thereupon remanded to jail.

"We then received from General Schuyler a letter of the 29th of October, dated at Saratoga, in answer to that of yesterday, acquainting your committee that he had ordered Col. Dayton's regiment to prosecute their march to the northward, and that about 400 of the militia were ordered to march from Fort Edward to Tryon county, to be under the command of Genl. Herkimer or Colonel Van Schaick, who he had ordered into that quarter with the two companies of his regiment.

"Mr. Avery, the deputy-commissary-general, was immediately made acquainted with this movement, that he might be ready to furnish these troops with provisions. Capt. Bradt was ordered to march with his company of rangers into Tryon county, and to put himself under the command of Colonel Van Schaick; and Capt. Hager, with the party of militia under his command, was directed to return to Schoharie, and hold themselves in constant readiness to march at a moment's warning to the defence of the western frontiers, whenever they shall receive orders from Colonel Van Schaick, that they may contribute with the rest of their fellow citizens, who are now in arms to the utmost of their power in the defence of the rights and liberties of their country.

"On the 30th of October, your committee addressed a letter to General Herkimer, advising him, that although they considered the information of an intended irruption of the enemy in that quarter to be such as not to be fully relied on, yet it was possible they might send small scouting parties, as a great force cannot come at this season; and as to the twenty-two nations of Indians, it is too improbable to deserve the least credit.

"We could not help expressing our surprise, that at a time when the militia are all called out for the defence of our country, invaded on the north and south, that the militia of a county which had hitherto been respected for its zeal and spirit, should entertain the most distant idea of submitting to their inveterate enemy, and that too before they had seen or tried their force. We took the liberty to remind him that there is already in that county, exclusive of their own militia, 743 men, which, when joined by the troops under his command, would, we apprehend, be greatly superior to any force the enemy could send. We informed the General we had, however, sent him two companies of Continental troops, under command of Colonel Van Schaick, with whom we wished him to consult about the proper disposition of the troops, and also one company of rangers, and that General Schuyler had ordered to their assistance 400 men of the militia: these would cross from Fort Edward. We added: 'These are sent in compliance with your wishes, though we really think them unnecessary if the people of your county will exert any degree of that spirit which we have reason to expect of men animated by the glorious cause in which they are engaged. We doubt not but that you will be careful to inspire them with proper sentiments on this subject. It would be advisable for you to order 100 of your militia, who will be rewarded for their services, to be raised, equipped and sent to their proper stations; in which case they will be allowed Continental pay and rations. Capt. Hager, with 50 men of the Schoharie militia, are now sent home, and have orders to hold themselves in readiness at a moment's warning, whenever you may think it necessary to call upon them. You will be careful to keep out scouts on every quarter, who will be rewarded for their trouble.'

"Your committee then addressed a letter to Genl. Schuyler, suggesting, in case of an invasion from the west, which was very probable whether it would not still be prudent to detain Dayton's regiment at Fort George, so that they might be in readiness to proceed to Ticonderoga, or the western frontier, as the progress of the enemy might render necessary; also communicating the orders given to Col. Van Schaick, Capt. Bradt and Lieutenant Hager and Genl. Herkimer; and that Colonel Van Ness's detachment of 140 men were to be detained under his command for town duty, leaving Lieut. Conyer, who is one of our recruiting officers, to assist and advise Col. Van Ness in the conduct of his department, on account of his inexperience in the military line. We also communicated the result of the expedition to Hellebergh, and certain intelligence from Major Ford, received by him from Hendrick Hoff, who pretends to be a deserter from General Carlton, that would countenance the belief that we might hourly expect an irruption into the eastern frontier by the tories, Canadians and Indians, under command of Sir John Johnson. We also informed the General that nothing before us would warrant a longer continuance at Albany, especially as our assistance was much wanted in Convention. The military arrangement which is so essential, being delayed until our return to Fishkill.

"On the 31st of October your committee received a letter from General Schuyler, by express, in answer to the one addressed to him the preceding day, in which he mentions, that by information received from Colonel Ogden, who left Ticonderoga on the morning preceding, there were not more than 200 tents at Crown Point, consequently Genl. Carlton has only a small part of his army there; this circumstance, the information of Hoff, and the movement of the tories in this quarter, induced General Schuyler

to suspect that the enemy intends to penetrate by the Mohawk river or throw themselves on some part of the communication between Saratoga and Fort George; it became difficult to say what measures would be most eligible, but that he will venture to send down part of the militia. Dayton's regiment being already near Skeensborough and his men extremely averse to return to Tryon county, he therefore earnestly entreated us not to leave Albany at so critical a juncture. He also informed us that he would despatch an express to General Gates to request him to send a scout of 40 or 50 men to the westward, and if he finds that any body of the enemy have marched to the Mohawk river, then instantly to despatch three regiments to that quarter, or more, according to the number of the enemy that may have taken that route. That similar orders would be sent to Genl. Ten Broeck and Colonel Gansevort that we might thus have the more early and most certain intelligence of the enemy's movements, and be enabled to take proper measures to defeat their purposes.

"The despatches which General Schuyler enclosed for Colonel Van Schaick and Major Cochran of Tryon county, were immediately forwarded to them by express.

"Your committee on the same day received a letter from Colonel Whiting giving an account of Kings district and referring to the affidavits of Peabody and Allen, taken before John Younglove, Esqr. chairman of the committee of Bennington, copies whereof were sent to the Committee of Safety by the committee of Albany, and referred to your committee on the 23rd of October; from which examinations it appeared that Isaac Peabody and Samuel Allen called at the house of Seth Chase, at Little White Creek, on the 12th of October. Suspecting from some observations they heard that Chase was disaffected, they feigned to be of the same sentiments pretending they came from Kinderhook, and were offered lodgings and concealment on the suggestion of a Mr. Hough, which they declined; they asked Mr. Hough whether they had seen any of their Kinderhook friends or whether it was practicable for them to get through northward to Burgoyne's army. Hough said no, but there was a much safer way of making their escape, for there were 80 men from Arlington and Sinderland who were to march the next night; that there were two of the King's armies coming down; Burgoyne was to come round the Lakes and Sir John Johnson down the Mohawk; it would be best for the Kinderhook tories to join the latter, which they could meet in three days, and be out of danger; which opinion Hough said he would communicate to the tories at Kinderhook, That while at Chase's they were advised not to go to Cambridge, or they would be taken up, for the people there were as fierce as the devil, and would have ruined the disaffected at White Creek but for the friends they had in the committee. Hough stated that most of the neighbourhood were disaffected; that they had a meeting at Chase's and determined to march off and join Burgoyne on the 13th. Samuel Allen went to inform the committee of Cambridge of what had passed, while Capt. Peabody returned to Chase's to gather further intelligence, and inquired for Hough, and was told by Chase that Hough had communicated to him the substance of the conversation the preceding night; that he had certain intelligence that Burgoyne with his army was coming round the Lakes; that Col. Mann had sent a page to Arlington, who was at his house the night of the 11th on his return, and told that the Colonel's orders to the people of Arlington were, to remain quiet, unless their intentions were discovered, until further orders from him; for he found from intelligence from Burgoyne he would not get through his march so soon as he expected; but if discovered, to make the best of their way to him. The page also stated that the people of Arlington had made such preparations for their march that they could not postpone it without being discovered, and would therefore march that night; he also said that the people of White Creek are secure; they would not march until further orders from Colonel Mann. He likewise said that Colonel Mann had 12 fat oxen for the purpose of victualling the friends of Government on their march to join the King's army, and others had several more for the same purpose; and on inquiring by what plan our Kinderhook friends could get safe to the King's army, he told me Colonel Mann had given countersigns at two places, and if these countersigns could be conveyed to our friends they could pass safe and obtain all necessary intelligence. He then produced a paper and handed it to me, saying now I give you my life. The contents of said paper were these: At Landlord Northrop's the countersign is 'Tryon;' at Jacob Lawing's ferry the countersign is 'Burgoyne;' upon the giving of which countersigns he said at those two places, we could be secreted, have provisions, or helped on our way, or any thing we desired, to forward us.

"That Simon Covill was a great friend to government, and thus examined, need not fear him. While the friends of government were on their march to join Burgoyne, it was directed by Colonel Mann that in the day time they should keep the woods, and in the night time to take the road; to go 20 in a body a mile distant from each other, and before each detachment a scout, to be placed distant in the advance about 10 rods, to give notice of persons approaching in front, and the rear guard in like manner, to notify the approach of pursuers, in which case the parties to skulk into the wood.

"Your committee perceiving from the last intelligence received from General Schuyler, that probably no attack would be made on Ticonderoga, it strengthened the apprehension of an invasion of our western frontiers. In such case, the defenceless situation of those frontiers would be lamented by those probably who judge only from events—convinced that an inexperienced militia cannot be relied on, especially when their fears may be excited on account of the Indians. Under those difficult circumstances, increased by General Gates' importunity for Dayton's regiment, though all the Continental troops (two companies only excepted,) were already at Ticonderoga, and on the communication we could easily account for the embarrassment of General Schuyler, in which we participated, and by a letter of the 31st of October, we communicated our reflections on the subjects, and advised him of the intelligence received of Peter Ten Broeck, and the four other disaffected, who have lately gone over to the enemy from Tryon county, being pursued by a party of the Oneidas, until those friendly Indians were given to understand by the Onondagas that it was disagreeable to them, and that the Oneidas should suffer if they did not desist. We submitted to the General whether it would not be proper for him to send a spirited message to the Onondagas by Major Fonda, or such other manner as he might judge best, complaining and demanding satisfaction for this unprovoked infraction on the treaty, and insisting peremptorily to know whether they are to be considered as enemies or friends, that they might be treated accordingly, which would at least show a vigilant attention to their conduct, and contempt of their enmity; which, if it should not convert, might intimidate and keep them in awe, not to mention the necessity of our being apprised of the terms we stand upon with a neighbour, who in proportion to the measure of our deception, would be able to injure and distress us.

"We also communicated the intelligence from King's district, and the reports from the south east end of Rensselaerwick, from which it would seem that the disaffected were about to collect and to march to the northward, under the disguise of militia, and friends to Congress, until they could be met by the Canadians and Indians, who would conduct them to the enemy, or until they could reach Fort George, which they would seize and hold for the enemy, which accounts, though probably greatly exaggerated, suggest the necessity of our being on our guard. The General was at the same time apprised that previous to the receipt of his letter containing a request that your commit-

tee should continue in Albany, that Robert R. Livingston had set out on his return, and as that part of the committee for arranging the army which were to the southward, have got back to Fishkill, we considered ourselves under the necessity of joining them, and considering the nature of our powers, which respected chiefly the militia, which were now all in motion, we could not perceive that our stay in Albany would be serviceable.

"Your committee then addressed a letter to Colonel Whiting, informing him that they had ordered Col. Robt. Van Rensselaer with 150 of the Clavarack militia, to march into King's district, and requesting that as Col. Van Rensselaer's detachment would be much wanted for an important service in another quarter, that he might be detained no longer than the safety of the district and the condition of the disaffected rendered absolutely necessary. Those vigorous measures it was expected would convince our internal enemies both of our vigilance and power, and intimidate the disaffected, and induce them to disperse, so that a guard of 40 or 50 men kept in constant motion, would be sufficient to protect and preserve tranquillity in that district; and being assured by the messenger, Mr. that so many could be armed in the district, it was recommended to Colonel Whiting to embody them accordingly, it not being in our power to furnish either arms or accoutrements.

"Colonel Van Rensselaer was at the same time requested to march his detachment to Albany, as speedily as the condition of the disaffected, against whom he was employed, would possibly admit.

"By the return of the express on the 1st of November, your committee received your letter of the 29th ulto. enclosing copies of certain resolutions adopted for providing provisions for the northern and southern armies, together with a copy of a letter from Tench Tilghman from Head-Quarters.

"Your committee, approving said resolutions, and in order to give them efficacy in the northern department,

"*Resolved*, That an agent be appointed and empowered 'to purchase wheat for the use of the Continental army, and that he cause the same to be manufactured into flour, and transported to such places where the same may be manufactured, with the utmost despatch.

"'*Resolved*, That if any shall so far disregard the safety and preservation of this country, as to refuse to dispose of their wheat or other commodities necessary for the army on reasonable terms, (which the committee have no cause to apprehend,) that the names of all such persons be forthwith returned to the Committee of Safety or Convention of this State, in order that proper measures may be devised for preventing the public interest from being sacrificed by the disaffection or rapacity of individuals.

"'*Resolved*, That such agent, if necessary, be authorized to impress divers wagons, teams or carts, or other carriages, for the purpose of executing, with the utmost despatch, the resolutions of this committee.'

"These resolutions your committee immediately enclosed to Mr. Avery, deputy commissary for the northern army, at the same time expressing their readiness to assign him as agent fully authorized to carry the same into effect, so far as relates to the purchase and manufacture of wheat with vigor and despatch; adding, that if he could suggest any measure more effectual, or stand in need of further advice or support, respecting his department, we would cheerfully assist him. It being our determination and intention to leave nothing undone which, at this arduous conjuncture, might contribute to the important purpose of supplying the northern army with provisions.

"On the 2nd of November, Capt. Lush furnished your committee with a copy of a letter, dated at Ticonderoga, on the 20th October, 1776, from Joseph Trumbull, Esqr. Commissary-General, to the committee of Bennington; also a copy of a letter from James Yancey, deputy commissary, to the said committee, of the same date, being the letters referred to in the information communicated by Dirck Swart, on the 28th of October; which copies the committee of Albany county had requested Capt. Lush to procure. Mr. Trumbull observes:

"'The late success of the enemies of American liberty on this lake, render it probable, I might say certain, that this post will very soon be attacked; in that case, as the enemy may perhaps attempt a blockade rather than an immediate attack on our lines, a large supply of provisions will be absolutely necessary; you are therefore requested, gentlemen, to lend all the assistance in your power, in forwarding provisions of every kind from Bennington to this place, by way of Skeensburg. The badness of the road may render it necessary to send flour on pack horses in bags; if no other method is practicable, make use of that; regard not the expense. Mr. Yancey, deputy commissary-general, has the General's orders to pay every necessary expense and charge that may arise.'

"The letter of Mr. Yancey was in these words:

"'This is to inform you, that in consequence of a number of disaffected persons (in and about Albany) to the common safety of this Continent, there is great danger of a too long delay of the contracted provisions for this army from that place, and in particular the article of flour, and that we have not more than will answer for bread for the army at present than about sixteen days. And as the advances of the enemy may be but slow, and in order for a blockade, and to cut off all communications to this place, all which makes it of the utmost consequence that we have an immediate supply, and as I am appointed and empowered to act and contract for every necessary provision for this department by the Commissary-General, Joseph Trumbull, Esqr. I thought it of the utmost importance to make this pressing application, that you would contract and immediately forward to Skeensborough Landing, all the flour that can be purchased, for the army in the northern department; and relying, gentlemen, on your public patriotism to serve your country, I make not the least doubt that you will comply with this request. I will furnish you, from time to time, with the Continental currency, as fast as my present hurry of business will permit; and beg you will forward me your answer immediately, how much you will be able to supply me with, and in what time, so that I may be able to satisfy the Commander-in-Chief at this place with this very important business.'

"On reading whereof, it was agreed to send for Mr. Avery, in order to be informed whether he had given information to Head-Quarters at Ticonderoga, that would justify the reflections against the county of Albany, contained in the letter of Mr. Yancey, and also to know his reasons for not answering our letter of yesterday. Mr. Avery was accordingly called in, and said he would have waited on your committee before, but being much engaged was prevented. That he expects and has received considerable quantities of provisions. He was then told that the committee were ready to give him their assistance, and that no exertion in the power of this State would be wanting to supply the army; and that if he could point out any thing that would be servicable, it should be taken into consideration. He answered that he would choose that an agent should be appointed agreeable to our proposal, to purchase wheat for the manufacturing 1000 barrels of flour; that he would also be in want of coopers. Whereupon the committee showed him the resolutions of Convention of 29th October, respecting the exemption of coopers from military duty, and that your committee had already acquainted the Committee of Albany with said resolves, and requested them to recall the coopers already.

"He also said that he wanted about 1000 bushels of peas; that he does not know that he has met with any obstructions in transporting the provisions. That the committee of Albany had promised him all the assistance in their power; but that when he was in want of wagons when the militia were called out, he could not get ready assistance, though he does not know but that the commit-

tee did all in their power to assist him. That he has made no complaints to General Gates, but that he has wrote to the commissary that there was a difficulty in getting wagons because the militia were called up that way. Mr. Duane, one of your committee, thereupon read to him Mr. Yancey's letter to the committee of Burlington, as also Mr. Trumbull's letter to the said committee.

"Thereupon he was asked from whom this information could be derived. He said he had never given the commissary any other information respecting the want of wagons or the obstruction of the transportation, than what he before related, and particularly that he had laid no blame to the inhabitants of the county of Albany; that the committee of Albany had always behaved genteelly to him, and have readily offered their services to assist him. That the interruption of transporting provisions occasioned by the calling out of the militia continued for a short time only.

"Whereupon your committee declared that as nothing would work a greater prejudice to the public service than sowing the seeds of jealousy and distrust at such a critical juncture, the committee should think it their duty to make the strictest inquiry into Yauncey's letter and information, and the motives which induced him to write it; for that as on the one hand they would have taken care that any person that might have been guilty of obstructing the transportation should be punished with the utmost severity, so it was equally their duty if the charge in that letter was groundless to have it publicly exposed; that the ill impressions which it had occasioned might be removed, and for this purpose they must request Mr. Avery, if he could do it consistently, to furnish the committee with extracts or copies of such letters as he has lately sent to Ticonderoga upon the subject of transporting provisions either to General Gates, or the commissary there. He answered *that he would*, and thereupon withdrew.

"In the afternoon of the same day he again waited on your committee and acquainted them '*that he had not kept copies of the letters which he had lately sent to Ticonderoga.*'

"Your committee having at their first interview with Mr. Avery inquired what quantity of provisions the deputy commissary-general had delivered over to him when he entered upon his office, answered, a 'sufficient quantity of beef though but little flour.' Your committee thereupon directed Walter Livingston, Esqr. the late deputy commissary to lay before them a return of the flour delivered over by him to Mr. Avery, which he accordingly did; by which it appears the quantity so delivered over amounted to 14 tierces and 16 barrels of bread, 54 Connecticut barrels and 3,209 New-York barrels of flour, being 59 days' rations for 11,000 men.

"At the interview with Mr. Avery on the 2nd of November, the said return was produced to him which he perused.

"General Schuyler having arrived in Albany, after conferring with him respecting the situation of Tryon county, it was

"*Resolved*, That General Schuyler be requested and authorized to issue his orders to the commanding or other officer in Tryon county, in case the enemy should invade the western frontier of this State, to cause all the cattle, sheep and swine and provisions which may be exposed to their rangers, to be driven in and secured, and if that shall not be practicable, destroyed; that at all events they may not fall into the hands of the enemy; and for this purpose they be empowered to impress horses and carriages.

"Your committee also conferred with General Schuyler respecting the state of supplies for the northern army, and among other things, inquired of him whether the transportation of provisions had been obstructed by the calling out of the militia, or from any other cause.

"In answer, the General informed your committee that the militia being attended with a great number of baggage wagons, he had immediately given orders for detaining and employing those carriages on the communication; that he had further ordered all the militia of Half-Moon district who chose, to be excused from military duty, on condition that they would assist with their teams in transporting provisions, which a great number of them accordingly did; that in consequence of these measures, the transportation, instead of being obstructed by calling out the militia, had been greatly facilitated; that he had never heard, nor did he believe that the transportation had met with the least obstruction from any cause whatever, but on the contrary, that provisions had been carried forward as soon as they were ready to be delivered by the commissary; that during the present struggle, he had experienced so much readiness in the inhabitants of the county of Albany to assist in the transportation, that he had in no instance been under the necessity of impressing a single carriage.

"On the 3rd of November, your committee adopted the following resolution, vizt:

"'*Resolved*, That Cornelius Cuyler and Peter Cantine, be, and they are hereby appointed agents to assist Mr. Avery, agreeable to his request, in purchasing wheat and manufacturing the same into flour, to the amount of about 1,000 barrels, and also purchase 1,000 bushels of peas; and that they acquaint Mr. Avery from time to time of their proceedings, and take his directions as to the dispositions of the said provisions, and to apply to him to furnish them with money for that purpose.'"

Resolved, That this Committee of Safety do fully approve of, and justify the proceedings of the said committee.

Resolved, That that part of the report of the said committee which relates to Mr. Yauncey's and Mr. Trumbull's letters, together with all their other transactions relative to the purchase of or transportation of provisions, which is contained in their report, be committed to a committee consisting of Mr. Robert R. Livingston, Mr. Robert Yates, and Mr. Duane.

WEDNESDAY, 9 *ho. P. M. Novr.* 6, 1776.

The Committee met pursuant to adjournment.

PRESENT—P. Van Cortlandt, Esqr. *Prest.*
Col. Brasher—*New-York.*
Mr. Little, Col. Allison, Mr. Jos. Smith—*Orange.*
Mr. Adgate, Col. Van Rensselaer, Mr. A. Yates—*Albany.*
Mr. Newkirk—*Tryon.*
Mr. W. Smith—*Suffolk.*
Col. G. Drake, Judge Graham, Col. Van Cortlandt—*Westchester.*
Mr. Contine—*Ulster.*
Mr. R. R. Livingston—*Dutches.*

Capt. Patrick Dennis's request for the advance of five hundred pounds on account of the vessels by him purchased, and the moneys he has advanced for the purpose of obstructing the navigation of the East river, was taken into consideration: Thereupon,

Ordered, That the Treasurer of this State pay to Captain Patrick Dennis the sum of five hundred pounds, on account of the moneys that have become due him in pursuance of the directions for obstructing the East river navigation.

Comfort Sands, Esq. Auditor-General of this State, by his certificate dated yesterday, has certified that he has examined the account of Peter T. Curtenius, Esqr. Commissary to the Convention of this State, commencing the 12th day of June last, and ending the twenty-fourth day of October last, as also his several vouchers accompanying it, all which he finds just and true; and that the sum of nine thousand, two hundred and ninety-three pounds fifteen shillings and five pence is the balance due him.

Ordered, That the Treasurer of this State do immediately pay to the said Peter T. Curtenius, on his receipt, the said sum of nine thousand, two hundred and ninety-three pounds fifteen shillings and five pence, in full for the balance due to him the said Peter T. Curtenius, to the said twenty-fourth day of October last included.

THURSDAY MORNING,

November 7th, 1776.

The Committee met pursuant to adjournment.

PRESENT—Col. Van Cortlandt, *Vice-Prest.*
Col. Brasher—*New-York.*
Mr. Landon, Mr. R. R. Livingston—*Dutches.*
Mr. A. Yates, Mr. Adgate, Col. Van Rensselaer—*Albany.*
Mr. Smith, Mr. Miller—*Suffolk.*
Mr. Newkirk—*Tryon.*
Mr. Contine—*Ulster.*
Col. Allison, Mr. Little—*Orange.*

Col. Curtenius attending, informed the Committee that he stands indebted in large sums of money by contracts made for the purchasing of clothing and other articles, as Commissary of the Convention of this State, and pursuant to their order; that many of the accounts he has not yet received, and therefore requested a sum of money on account.

Ordered, That the Treasurer of this State advance to Peter T. Curtenius, Esquire, on account, the sum of five thousand seven hundred and six pounds four shillings and seven pence, taking a proper receipt for the same.

A letter from Comfort Sands, Esquire, Auditor-General, dated yesterday, enclosing an account of arms and accoutrements delivered by Mr. Norwood, the commissary to General Scott's brigade, and for which stoppages were to be made out of the pay of the men who received them, was read.

Ordered, That a copy of the said account be sent to General Scott without delay.

A letter from Tench Tilghman, Esqr. dated the 5th inst. to the committee of correspondence, giving intelligence of the army, was received and read.

The following resolutions, moved by Robert R. Livingston, Esqr. were read and agreed to, vizt:

As great abuses are daily committed in the granting of passes without sufficient examination, to persons inimical to the State, in order to remedy the same as well as to prevent and detect counterfeit passes,

Ordered, That every county committee throughout this State appoint two judicious men of known attachment to its interest in each precinct, manor or district, who shall grant the passes hereinafter mentioned, to such persons only of whose principles they shall be fully satisfied.

Ordered, That four thousand passes be printed, leaving a blank for the date, name, and place of abode of the person and the place to which he may proceed. That they be signed by either of the Secretaries of the Convention of this State, and sent to the several counties to be lodged in the hands of the commissioners above mentioned.

Ordered, That when any person shall apply for a pass, the blank in the same shall be filled up with his name in the handwriting of the person so applying, and the commissioner granting shall endorse the same.

Resolved, That from and after the twentieth day of this month, no person be permitted to travel out of the district, manor or precinct in which he usually resides, unless he comes from some other State and brings a pass from the same; without such a pass as above described, or such as may be granted by the Convention or Committee of Safety of this State, but shall be liable to be arrested and detained by any member of either county, district, manor or precinct committee or any military officer, till discharged by order either of the committee of the district, manor or precinct in which he was so arrested, or by the general committee of the county in which he is detained.

Resolved, That each commissioner be allowed the sum of six pence for every pass which he shall grant, to be paid by the person applying for the same.

Ordered, That two hundred copies of these resolutions be printed in handbills, and a number of them transmitted to each county committee in this State, who are hereby directed to transmit copies thereof to the several district, manor and precinct committees within their respective counties.

A letter from General Scott, dated the 5th instant, and directed to the Convention, giving an account of the state and movements of the army, and recommending Major Fish for a commission on the establishment, was read and referred to the committee of arrangement.

A letter from Col. Malcolm to Mr. McKesson, recommending several of his officers for commissions on the establishment, was received and read. Referred to the committee of arrangement.

THURSDAY AFTERNOON, *Novr. 7th*, 1776.

The Committee met pursuant to adjournment.

PRESENT—Col. Van Cortlandt, *Vice-President.*
Mr. Duane, Mr. Brasher—*New-York.*
Col. Van Cortlandt, Col. Drake—*Westchester.*
Mr. Adgate—*Albany.*
Col. Allison, Mr. Little—*Orange.*
Mr. Smith, Mr. Miller—*Suffolk.*
Mr. Contine—*Ulster.*
Mr. Newkirk—*Tryon.*
Mr. Landon, Mr. R. R. Livingston—*Dutches.*

A letter from Ebenezer Hazzard, enclosing sundry newspapers containing plans of government, was received and read.

A letter from Tench Tilghman, Esquire, dated yesterday, informing the Committee of the enemy's army being moved towards New-York.

A letter from Gerard Bancker, Esqr. dated this day, requesting that some person may be appointed to take charge of the treasury books and papers until the Treasurer shall appoint some person in his stead, was read.

Ordered, That the same be referred to Messrs. Duane, Robert R. Livingston and Col. Drake.

A letter from Comfort Sands, Esqr. Auditor-General, dated this day, relative to his having power to take with him to Philadelphia all the accounts, with the vouchers, and a discretionary power to settle the Continental accounts in the best manner he can, was read.

Ordered, That the same be committed to the same committee as Mr. Bancker's letter, with the addition of Mr. Roosevelt.

FRIDAY MORNING,

Novr. 8th, 1776.

The Committee met pursuant to adjournment.

PRESENT—Col. Van Cortlandt, *V. Prest.*
Col. Brasher, Mr. Roosevelt, Mr. Duane—*New-York.*
Col. Van Cortlandt, Col. Drake, Judge Graham—*Westchester.*
Mr. Adgate, Mr. Cuyler, Mr. R. Yates, Col. Van Rensselaer—*Albany.*
Mr. Landon, Capt. Platt, Mr. R. R. Livingston—*Dutches.*
Mr. Smith, Mr. Miller—*Suffolk.*
Mr. Duer—*Charlotte.*
Mr. Newkirk—*Tryon.*
Mr. Contine, Col. Dewitt—*Ulster.*
Col. Allison, Mr. Jos. Smith, Mr. Little—*Orange.*

Resolved, That this Committee will pay wages and the value of their rations remaining due to such of the officers and men belonging to Col. Smith's regiment as are now actually within such parts of this or the neighbouring States, as are not in the possession of the enemy, for the time they have respectively been in service.

Ordered, That a copy of the above resolution be served on Lieutenant-Colonel Sands, and that he be directed to procure muster rolls to be returned to this Committee or Convention of this State, under the oath of the officers commanding companies, containing the names of those

men only who are now within such parts of this or the neighboring States as are not in the possession of the enemy.

Resolved, That the President, Vice-President and the chairman of each respective county committee in this State be, and they are hereby, empowered to administer such oath.

Mr. Duer informed the Committee of Safety that the committee for detecting conspiracies have in custody a person who they have reason to believe is an officer of the Savage ship of war, and who has been engaged in enlisting men to serve in the army of Great Britain against the American States. Mr. Duer requests the sense of the Committee whether the said prisoner ought not to be sent to Head-Quarters to be tried by law martial.

Resolved, (as the opinion of this committee,) That the committee of conspiracies, &c. do cause the said prisoner to be conveyed, under a proper guard, to the American camp in Westchester county, and that they transmit to His Excellency General Washington all examinations and witnesses relative to the said person.

Resolved, That Henry I. Van Rensselaer, Esq. be, and hereby is, appointed commissioner to superintend the loan office in this State, for the purpose of receiving money on loans on the credit of and for the use of the United States of America, pursuant to the resolutions of the Honourable the Congress of the said State, passed the third day of October last past.

Whereas His Excellency General Washington hath directed that barracks, for the accommodation of two thousand men, should be erected at or near this place: And whereas it hath been represented to this Committee, in the report of the Quarter-Master-General, that as boards are exceedingly scarce and a sufficient number cannot possibly be procured for all the barracks that will be wanted for the winter quarters of the army, it will be necessary to build those barracks with mud walls: And whereas the season proper for this business being almost expired, it is requisite a number of men should be immediately employed in order that the barracks may be finished with expedition: And whereas application hath this day been made by William Duer, Esqr. superintendent for building the said barracks, to this Committee, for one hundred men of the militia of this county, to labour in constructing the said barracks:

Resolved, therefore, That one hundred men of the militia of this State, be immediately ordered out for the above purpose.

Resolved, as the opinion of this Committee, That the men to be employed in this service, as they will be constantly on fatigue, ought to be allowed three-eighths of a dollar per day, and Continental rations.

Whereas, the militia of the district of the manor of Livingston, Coxacky, Cattskill, Luningburg and Groetemberg, in the county of Albany, either through want of zeal in or disaffection to the cause of American freedom, have not, on a late occasion, turned out with arms, or in other respects borne an equal part in the defence of their country with the other inhabitants of this State; and it being highly just and equitable in the present critical situation of the State, when nothing less than the personal service of the subject will suffice, that such as through enmity or cowardice will not step forth as soldiers, should contribute an equivalent in labour:

Resolved, therefore, That the commanding officers of the militia of the said district, immediately detach out of the same, one hundred men. to wit, fifty from the manor of Livingston, and fifty from the district of Coxackie, Cattskill, Luninberg and Groetemboght; and such persons as shall, in general repute, be of the character above described; and that they proceed without delay to this place to work and labour in erecting the said baracks; each man to provide himself with either a good felling axe, a spade, an iron shovel, or a corn hoe. The detachment of the manor of Livingston to be commanded by a captain, and the detachments from the other districts by two subalterns of known attachment to the cause of America. These officers to be appointed by the commanding officers of the militia above mentioned districts; to be continued in service for one month, unless sooner discharged; and the officers to be allowed Continental pay and rations.

Resolved, That if any person or parcels to be detached as aforesaid, should refuse to march, that the commanding officer of the militia, in such case, be authorized to call upon Captain Peter Gaasbeck, for the assistance of his company, in order to compel them.

Resolved, That three days' wages shall be allowed to each man for coming, and as many for going or returning home, together with one penny per mile for his maintenance upon the road.

Resolved, That any person detached as above, may send any slave or able bodied man accustomed to labour, in his stead.

SATURDAY MORNING,

Novr. 9th, 1776.

The Committee met pursuant to adjournment.

Present—Col. Van Cortlandt, *Vice-Prest.*
Mr. Duane—*New-York.*
Mr. Landon—*Dutches.*
Mr. Newkirk—*Tryon.*
Mr. Adgate, Mr. R. Yates, Mr. Cuyler, Col. Van Rensselaer—*Albany.*
Mr. Smith, Mr. Miller—*Suffolk.*
Col. Van Cortlandt, Judge Graham—*Westchester.*
Col. De Witt, Mr. Contine—*Ulster.*
Mr. Little, Col. Allison—*Orange.*

Colonel Dewitt, a member of the committee for inquiring into conspiracies, &c. informed the Committee of Safety that a number of disaffected persons, now in confinement in this place, and who have been apprehended by order of the said committee, are to be sent to the neighbouring States to be there confined; and that the said committee stand in need of at least five hundred pounds to defray the expenses of transporting and guarding the said prisoners to the places destined for their residence and confinement: Thereupon,

Ordered, That the Treasurer of this State advance to the committee appointed by the Convention of this State, for the purpose of inquiring into, detecting and defeating all conspiracies formed in the State against the liberties of America, the sum of five hundred pounds, for the purpose of defraying the expenses of conveying and guarding a number of disaffected persons, now under confinement in this place, to such parts of the neighbouring States as shall be determined on by the said committee.

On motion of Mr. Joshua Smith,

Ordered, That the President write a letter to Thomas Outwater, Esqr. a member for Orange county, requesting his attendance immediately, or show cause, on pain of contempt.

A letter from Robert Boyd, chairman of the committee of Ulster district, directed to the members of Ulster, in Convention, relative to the members of committee being exempted from military duty, [was received and read.]

Ordered, To lie on the table till a fuller house.

Saturday Afternoon, *Novr. 9th*, 1776.

The Committee met pursuant to adjournment.

Present—Col. Van Cortlandt, *Vice-Prest.*
Mr. Duane, Col. Brasher—*New-York.*
Col. Van Cortlandt, Judge Graham—*Westchester.*
Mr. Adgate, Mr. Cuyler, Mr. R. Yates, Col. Van Rensselaer—*Albany.*
Mr. Smith, Mr. Miller—*Suffolk.*
Mr. Newkirk—*Tryon.*

Mr. Contine—*Ulster.*
Col. Allison, Mr. Little—*Orange.*
Mr. R. Livingston—*Dutches.*

An account of Benjamin Birdsall, Thos. Brush and Carll Kitchum, amounting to £10 1*s.* 6*d.* for their trouble and expenses in guarding and conveying two prisoners, (who were brought from Long island,) and who were very active and engaged in the enemy's service, from Norwich, in Connecticut, to Fishkill, in Dutches county, was read.

Ordered, That the Treasurer of this State pay to the said Benjamin Birdsall, Thomas Bush and Carll Kitchum, or either of them, the above sum of ten pounds one shilling and six pence, and take his or their receipt for the same.

Stephen Ward, Esqr. attending, informed the Committee that he finds it very unprofitable, if not impracticable, for him to procure the hides of the cattle by him drove down to the American army in Westchester county, pursuant to the resolutions of the Convention of this State.

Ordered, That Mr. Ward be authorized to purchase, on the most reasonable terms, on account of this State, all the hides he can, and cause them to be conveyed to this place by water from Peekskill.

WHEREAS the committee appointed by the Convention of this State for the purpose of inquiring into, detecting and defeating conspiracies which may be formed in this State against the liberties of America, have represented to this Committee that they find it expedient to employ Egbert Benson, Esqr. to repair to the General Court of the State of New-Hampshire, to solicit their reception of a number of prisoners, whom the said committee have directed to be removed from this State: AND WHEREAS certain circumstances may arise in the execution of the trusts reposed in him, the said Egbert Benson, by the said committee, which may occasion a greater expense than is at present apprehended:

Resolved, That the General Court of the State of New-Hampshire be and they hereby are requested to advance to the said Egbert Benson any sum of money he may apply to them for, not exceeding one thousand dollars; and this Committee do pledge to them the faith of this State for the repayment of the money they may so advance to him.

Ordered, That a letter be sent to Col. Gilbert Drake, requesting him and the other members of the county of Westchester, to attend without delay; and that another letter be sent to Major Landon, on the same subject.

A letter from Tench Tilghman, Esquire, dated yesterday, informing that the enemy are at Dobbs' Ferry, with a great number of boats, perhaps to go into Jersey or proceed up the river, was received and read. Thereupon,

A draft of a letter to General Schuyler, was read and approved of, relative to sending down boats from Albany to transport our troops across the Hudson river, if necessary, and is in the words following, that is to say:

"*Fishkill, Novr. 9th*, 1776.

"SIR—The Committee of Safety having been informed that the enemy have brought all their boats to Dobbs' Ferry, where the principal part of their army now are, apprehend that they may possibly intend to transport themselves over to the Jerseys, and march up from thence, in which case a number of boats will be wanted for our army. As no time should be lost, we take the liberty of suggesting to you the propriety of ordering such as can be spared from Albany to be sent down to this place. We shall write to General Washington upon the subject, and doubt not but he will approve of the measure. If you are at a loss for oars, there are a number belonging to the secret committee of this Convention, which may be had by applying to Mr. Ph. Van Rensselaer, who will take an account of them.

"I am, sir, yours, &c.

"By order.

"Major-General SCHUYLER, Albany."

DIE LUNÆ, 10 HO. A. M.

Novr. 11th, 1776.

The Committee met pursuant to adjournment.

PRESENT—P. Van Cortlandt, *Vice-Prest.*
Col. Brasher, Mr. Duane—*New-York.*
Mr. Miller, Mr. Smith—*Suffolk.*
Mr. Adgate, Mr. Cuyler—*Albany.*
Mr. Little, Col. Allison—*Orange.*
Mr. Contine—*Ulster.*
Mr. Newkirk—*Tryon.*
R. R. Livingston, Esqr.—*Dutches.*
Col. Graham, Col. Van Cortlandt—*Westchester.*

A letter from General Schuyler, requesting that 50 iron stoves with pipes, be procured at the furnace in the Highlands, and forwarded to him at Albany, was read.

Ordered, That a copy of General Schuyler's letter for procuring fifty stoves, be sent by Mr. Dyckman to Samuel Patrick at the Fords of Deane furnace, and that he be requested immediately to proceed to furnish the said stoves with all possible despatch.

General Schuyler's letter of the 8th inst. advising General Carlton with his whole army has retreated to Canada; that the last of his troops left Crown Point at 10 o'clock on Monday morning, and that Sir John Johnson had accompanied him, was read.

A letter from Mat. Visscher, dated the 8th inst. to Abm. Yates, Junr. giving the current intelligence, and informing that the committee of Albany have appointed Messrs. Gansevort, Lush, Doctor Young, and the said Mat. Visscher, a committee of correspondence with the Committee of Safety or Convention. Referred to the committee for Albany correspondence.

A letter from Leonard Gansevort of 8th Novr. acknowledging, on behalf of the Albany committee, the receipt of the resolutions of this House, forwarded to them by express, was read.

A letter from Henry Wisner, dated at New-Windsor on the 9th inst. relative to barracks at Windsor for troops, was read.

A letter from Robert Boyd, chairman of the committee for Ulster county, dated the 10th inst. was read. He therein informs that he has sent by Col. McClaughry two felons by their information, one named Henry Winck, and the other James Briggs, apprehended at New-Windsor, for passing false money; that it appears that a three dollar bill of the emission of this State, dated the 2nd Sepr. 1775, is altered into a thirty dollar bill, and as such they have passed it.

Ordered, That the chairman of the committee of Ulster county, take the examinations of the said Henry Winck and James Briggs, and by mittimus send them under a proper guard of the Ulster county rangers to the jail of Ulster county, at Kingston, and ordered to be safely committed; which mittimus the keeper of the jail of Ulster county is hereby directed to obey.

A letter from John Thomas, dated the 8th inst. was read. He therein sets forth that he has purchased a quantity of tea, which is now at Kingston, in Ulster county; that one box of it has been opened, and that the remainder of it, amounting to about two thousand weight, is in the custody of the committee there, which they refuse to deliver to him, without an order from the Representatives of this State.

Ordered, That the committee of Kingston in Ulster county, permit the said John Thomas to take his said tea.

A letter from Comfort Sands, Esqr. Auditor-General, dated the 8th of November, was received and read, and is in the words following, vizt:

"*Fishkill, Novr. 8th*, 1776.

"SIR—I find charged in the public accounts three dif-

ferent sums advanced for manufacturing of arms, vizt: About a twelvemonth ago, to Mr. Robert Boyd, who is now here, one hundred pounds. Upon inquiry of him I find he has returned only six gun barrels. To Mr. Watkey fifty pounds. I find he has returned none; am told he is poor, and now removed to New-Brunswick, in Jersey. To Mr. Atherton three hundred and fifty pounds. He returned none that I can learn. I submit to the Convention whether some steps ought not to be taken to get the arms, (as they are now much wanted,) or the money repaid.

"I am, sir, your very humble servt.
"COMFORT SANDS.

"To P. VAN CORTLANDT, Esqr."

A letter from Comfort Sands, Esqr. dated the 8th inst. enclosing the Treasurer's accounts, was also read, and is in the words following, that is to say:

"*Fishkill, Novr. 8th*, 1776.

"SIR—Here enclosed I send you the Treasurer's account current No. 1, from the 17th June, 1775, to the 30th of April last, as audited by the committee of pay table; also his account current No. 2, from the 1st of May last to this day. Balance in his hands £4,523 5*s.* 2½*d.*

"These papers I think necessary to send in, that they may be filed with the records of the Convention, if it shall be thought necessary.

"I am, sir, your most hble. servt.
"COMFORT SANDS.

"P. VAN CORTLANDT, Esqr."

The two accounts therein mentioned were also read, and are as follows, that is to say:

The Convention of the State of New-York, in Account Current with P. V. B. Livingston, Trear.

1776.	DR.	
Novr. 9th.	To amount of an account of the several payments that have been made by me from the first day of May last, to this day, which account signed by the Auditor-General, Comfort Sands, and by my deputy, is this day produced to the said Auditor-General, together with all the accounts and receipts referred to in said account, amounting to,	£130,352 4 0¾
	To balance due to the Convention,	4,523 5 2¼
		£134,875 9 3¼

1776.		CR.	
May	1.	By balance of old account	£1,957 8 8¼
June	6.	By cash received of Moses Ogden he returns,	100 00 0
		By ditto of John Berrian, for powder,	23 15 6
		By ditto of Comfort Sands, for do	12 10 0
June	17.	By ditto of Daniel Dunscomb. He repays so much I formerly paid Simon Van Antwerp, for salt,	26 12 6
"	26.	By ditto of Richard Norwood, for powder,	30 00 0
"	27.	By ditto of Gillian Varick, for ditto,	26 00 0
July	15.	By ditto of Nathaniel Sacket, the balance of an account for transporting lead,	2 00 0
"	21.	By ditto of Isaac Roosevelt in different payments, money he had printed, and signed by order of Convention,	55,300 00 0
		By ditto of Peter T. Curtenius, per Mr. Duer, he lends,	2,182 19 0
		By ditto of General Washington, per Mr. Duer, in part of the £20,000 he advances to this State,	8,000 00 0
Augt.	10.	By ditto of Col. Trumbull, for flour, &c. sold him,	2,384 16 0
		By ditto of General Washington for John Broome, the remainder of the £20,000 which he advances,	12,000 00 0
"	20.	By ditto of Capt. Henry Benson, he returns,	500 00 0
Sepr.	16.	By ditto of Ezra L'hommedieu, loan office money, from Suffolk county,	428 00 0
Oct.	9.	By ditto of Dirck Swart, by Ab. Yates, Junr. the balance of his account for transporting stores from Ticonderoga, No. 186,	190 00 7
		By ditto of Ab. Livingston, for 100 bushels of peas sold and delivered him in the Highlands, at 6*s.* 6*d.*	32 10 0
		By ditto of ditto, balance of his commissary account, No. 952,	1,410 18 9
"	12.	By ditto of Continental Congress, per New-York Delegates,	40,000 00 0
		Carried forward, £	

		Brought forward, £	
Oct.	23.	By ditto of ditto, per Wm. Floyd, to purchase clothing,	4,000 00 0
		By ditto of Henry Wisner, balance of his account, No. 835, forwarding lead, &c. to Orange and Ulster counties,	20 00 6
Novr.	9.	By ditto from Messrs. Livingston and Palmer, a balance of their account for building Fort Montgomery,	7 17 4¾
		By ditto of Col. Trumbull, on account, for pork sold him,	5,040 00 0
		By ditto of Commissary Paulding, on account, for moneys expended by Messrs. Van Cortlandt and Platt	1,200 00 0
			£134,875 9 3¼

Errors excepted. Fishkill, Novr. 9th, 1776.
For P. V. B. LIVINGSTON, *Treasurer.*
GERARD BANCKER.

Examined and allowed the above mentioned sum of four thousand five hundred and twenty-three pounds five shillings and two pence half-penny, to be the true balance due to the Convention of the State of New-York, Novr. 9, 1776.

COMFORT SANDS.

Ordered, That the Treasurer do not pay out any part of the money appropriated to purchase clothing, for any other purpose but that for which it was designed.

The committee appointed to form an arrangement of the Continental regiments to be raised in this State, having obtained leave in order to proceed on this important business, acquainted the Committee of Safety that they can only form a quorum of their committee at present; that but one of the gentlemen who went to King's Bridge, and is now present, in many instances received information with Colo. De Witt who is absent, and therefore they request the directions of the Committee of Safety in the premises. Thereupon,

Ordered, That a messenger be despatched to Colo. D. Witt to request his immediate attendance at Fishkill to assist the committee of arrangement, that the necessary business of arranging the army, may not be delayed.

TUESDAY MORNING,
Novr. 12th, 1776.

The Committee of Safety met.

PRESENT—P. Van Cortlandt, *Vice-Prest.*
Mr. Duane, Col. Brasher—*New-York.*
P. Van Cortlandt, Judge Graham—*Westchester.*
Mr. A. Yates, Mr. Adgate, Mr. Cuyler—*Albany.*
Mr. Little, Col. Allison—*Orange.*
Mr. Smith, Mr. L'hommedieu, Mr. Miller—*Suffolk.*
Mr. Contine—*Ulster.*
Mr. Newkirk—*Tryon.*
R. R. Livingston—*Dutches.*

A letter from Jacob Hornbeeck, chairman of the committee of Rochester, dated the 9th inst. was read. He therein sets forth the distresses of the inhabitants for want of salt to preserve their meat, and requests a supply of salt if the Convention has it; and if not, that they may have information where it may be purchased at any price, that they may go and procure it.

A letter to the committee of Rochester was read and approved, and is in the words following, that is to say:

"*Fishkill, Novr. 12th*, 1776.

"GENTLEMEN—In answer to your letter we must inform you that it is not in our power to supply you with salt, nor can we direct you where you can get any in this State. An advertisement has lately been published in the New-Haven papers to preserve beef with a small quantity of salt, which may be of great use to you and others: four pounds of salt, four ounces of salt petre, and two pounds of sugar, added to four gallons of water, will be sufficient for a barrel of beef, if the quantity of liquor will cover the beef, if not, add more of the same till the beef is covered. It is

likely a larger quantity of the same materials may be necessary to save pork. It is expected that considerable quantities of salt will arrive at the eastward before Christmas, so that people may have a supply.

"We are, gentlemen,
"Your obt. servants."

Ordered, That a copy thereof be engrossed, signed by the President, and transmitted immediately.

Resolved, That notice be forthwith given to the county committees of each respective county (not in the possession of the enemy,) that the Convention are now proceeding on the business of forming a system of government, and that it is necessary that the members give their attendance without delay.

Resolved, That a copy of the preceding resolution be entered by the Secretary to the Convention, and sent to the chairman of each county.

Resolved, That the like notice be given by the sending to the members of New-York, Suffolk, Queens, and Kings counties who are not in the power of the enemy.

Resolved, That a committee be appointed to take the general superintendence of the poor; to receive and examine applications; to give directions to such persons as they shall think proper for setting them at work; to issue orders to the several county committees for providing them with provisions; for putting out the children of such poor; and for examining and auditing all accounts of charges accrued by these means.

Resolved, That the said committee have power to remove all the poor belonging to this State from any neighbouring State into this; it being the design of this State to maintain their poor within the same.

Resolved, That the above committee be requested to write to Govr. Trumbull to send all the poor belonging to this State, and which are now at the charge of Connecticut, into Dutchess county in the State of New-York.

Resolved, That this State will pay or reimburse the expense incurred by such removal.

Resolved, That Mr. L'hommedieu, Col. Allison, Mr. Adgate be a committee for the purposes aforesaid.

Resolved, That the superintendence of the poor, committed to Messrs. L'hommedieu, Col. Allison and Mr. Adgate, as a committee, by resolutions of this Committee, shall only extend to the poor removed from those counties now in possession of the enemy, and such poor the heads of whose families have been by order removed from this State, as inimical to the cause of America.

A letter from John R. Livingston, with an invoice of goods, &c. was received and referred to Colonel Brasher, Robert Yates and Mr. L'hommedieu.

The letter and accounts of Samuel Brown, of Guilford in Connecticut, for removing stock from Long island, were read and ordered to remain till a Convention meets.

Resolved, That all muster rolls hereafter to be delivered or brought into the Convention of this State, shall, before the allowance thereof, be attested by the captain or other officer commanding each respective company, in the manner following, vizt:

"I, A. B. captain of a company of foot raised in the county of do solemnly declare, that the within is a just and true muster roll of my company for the month of containing the names of the officers and privates of the said company and the times of their respective enlistment and service."

Resolved, That every such muster roll be so attested before the President or Vice-President of the Convention of this State, or the chairman of the committee of the county in which such company was raised, who are hereby respectively empowered to administer such oath.

Ordered, That a copy of the two last resolutions be delivered to the Auditor-General.

DIE MERCURII, 10 HO. A. M.

Novr. 13th, 1776.

The Committee of Safety met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, *Vice-President*.
Mr. Duane, Col. Brasher—*New-York*.
Col. Van Cortlandt, Judge Graham, Col. Drake—*Westchester*.
Mr. Adgate, Mr. Cuyler—*Albany*.
Mr. Little, Col. Allison—*Orange*.
Mr. Smith, Mr. Miller, Mr. L'hommedieu—*Suffolk*.
Mr. Newkirk—*Tryon*.
Mr. Contine, Major Parks—*Ulster*.
R. R. Livingston, Major Schenk—*Dutches*.

Ordered, That a messenger be sent to Major Schenk, Mr. Sackett and Mr. Platt, and to such members of the city of New-York as are in the neighbourhood of Fishkill, to desire their punctual attendance at 10 o'clock to-morrow morning, in order to form a Convention.

Samuel Dyckman reported that he delivered the letter directed to Mr. Samuel Patrick yesterday; that he engaged to deliver 50 stoves in three weeks; that if the Convention will send sheet iron, he will furnish the doors in the same time.

The dimensions of the stoves are—the bottom 2 feet 6 inches long, 14 inches wide, 1 foot 8 inches high; the door 14 inches high and 7 inches wide.

Mr. Dyckman farther reports that Mr. Patrick informed him that Samuel Boyd, a soldier at Fort Montgomery, understood the method of making pipes for the stoves.

Thereupon the following resolutions were read and approved of:

WHEREAS General Schuyler, by letter dated the 8th inst. requests the Committee or Convention of this State that as Mr. Livingston's furnace is not in blast, and that at Salisbury employed in casting cannon, he is disappointed in getting stoves for the barracks for the northern army; and therefore desires this Convention to get fifty cast, of the largest sort in common use, at the furnace at the forest of Dean, near Fort Montgomery. And Samuel Patrick, iron master at the said works, having engaged to deliver the said stoves in three weeks if he can be furnished with sheet iron for the doors; and this Convention being informed that a large quantity of sheet iron has been contracted for by His Excellency General Washington for the use of the army:

Resolved, therefore, That the said Samuel Patrick be directed to cast and complete the said stoves with the utmost expedition, and to send them, as fast as they shall be finished, to Fort Montgomery, to be transported to Albany.

Resolved, That the General, or commanding officer at Peekskill, be presented with a copy of General Schuyler's letter, and that he be requested to give orders for sending to (which is on the way to the said iron works) a sufficient quantity of sheet iron for doors for the said fifty stoves.

A draft of a letter to General Schuyler was read and approved of, and is in the words following, that is to say:

"*Fishkill, 13th Novr. 1776.*

"SIR—We received your favor of the 8th inst. and immediately dispatched our rider Mr. Samuel Patrick, the iron master of the works at the forest of Deane, near Fort Montgomery. His answer and our resolutions in consequence of it are enclosed. We presume you will be able to furnish the pipes or supply the want of them by some expedient; if that should not be the case, and there should not be sheet iron at Peekskill, we fear you will be obliged to have recourse to Philadelphia or New-Jersey, there being none to be had as we can learn in this State.

"I am yours, &c.

"Genl. SCHUYLER."

A letter from John R. Livingston, with an invoice of goods, &c. was read and referred to Colo. Brasher, Robert Yates and Mr. L'hommedieu.

The Committee of Safety were informed that a person at New-Windsor has a quantity of linens of different kinds to dispose of, which he is ready to give the Committee the preference of in the purchase, and the vender is attending for that purpose.

Ordered, That Major Parks and Mr. Newkirk be a committee to examine the quality and prices of those goods and report thereon.

DIE JOVIS, 10 HO. A. M.
Novr. 14th, 1776.

The Committee met pursuant to adjournment.

PRESENT—P. Van Cortlandt, *Vice-Prest.*
Mr. Duane, Mr. Roosevelt, Colo. Brasher—*New-York.*
Col. Van Cortlandt, Judge Graham, Col. Drake—*Westchester.*
Mr. Adgate, Mr. Cuyler—*Albany.*
Mr. Little, Col. Allison—*Orange.*
Mr. Smith, Mr. Miller, Mr. L'hommedieu—*Suffolk.*
Mr. Newkirk—*Tryon.*
Mr. Contine, Major Parks—*Ulster.*
R. R. Livingston, Major Schenk—*Dutches.*

Resolved, That Mr. John Sleght be requested to go to the store of Ebenezer S. Burling, at the house of Cornell Sands, and examine the goods there, and report to this Committee of Safety, what parts of them are fit for the use of the army, and the prices of such goods; and that in the mean time the owner of those goods be requested to retain them until the further order of this Committee, or the Convention of this State.

The whole business of arranging and recruiting the army being delayed by the absence of Col. De Witt, to the unspeakable detriment of this State,

Ordered, That Sampson Dyckman, the messenger, do proceed without delay as a messenger to Colo. De Witt, to request his immediate attendance; and that if Col. De Witt should be from home, the said messenger search for him until he shall find him, and deliver him a copy of this order.

Robt. Yates, Esqr. chairman of a committee consisting of Mr. Cuyler, Mr. Duane and himself, lately sent to Albany to form an arrangement for recruiting the army, delivered in the account of their disbursements with sundry vouchers for the same.

Ordered, That the said accounts and vouchers be referred to Mr. Roosevelt, Mr. Contine and Mr. Miller to report thereon.

A letter from General Schuyler, dated Albany, the 12th current, was read, and is as follows, vizt:

"*Albany, Novr. 12th*, 1776.

"SIR—Your favour of the 9th inst. I had the honour to receive last night. I have already despatched an express to General Gates to hasten down all the regiments whose term of enlistment was expired. I make no doubt but that both officers and men will continue to serve with alacrity for some time longer on this critical occasion.

"I have happily conveyed such a quantity of flour from hence for some days past as will suffice for fifty days for the whole army to the northward. This enables me to send you all the batteaux I have here, but they are only ten or eleven in number, besides what may come from Schenectady. Fifty more are ordered from Lake George, in which and in sloops I shall send down the regiments I expect from Ticonderoga.

"Col. Van Schaick, from whom I received a line last night, apprehends an attack in that quarter, from the intelligence received by two Indians just arrived from Canada. He has detained the militia. Two regiments which I ordered from Ticonderoga on the 2nd inst. are not yet arrived, I fear not even sent, although the order arrived there on the 5th instant. I have remanded the order.

"Lieutenant-Colo. De Roos takes charge of the batteaux down to Fishkills, and will wait on you for your orders.

"I am, sir, most respectfully,
"Your obedient hbl. servt.
"PH. SCHUYLER.

"To the Honble. P. V. CORTLANDT,
Vice-Prest. of the Convention."

Resolved, That the superintendence of the poor committed to Mr. L'hommedieu, Col. Allison and Mr. Adgate, as a committee by resolutions of this Committee, passed on the 12th inst. shall only extend to the poor removed from those counties now in possession of the enemy, and such poor the heads of whose families have been by order of this Committee removed from this State as inimical to the cause and liberties of America.

FRIDAY,
Novr. 15th, 1776.

The Committee met pursuant to adjournment.

PRESENT—Col. Van Cortlandt, *Vice-Prest.*
Col. Brasher, Mr. Roosevelt—*New-York.*
R. R. Livingston. Mr. Schenk, Mr. Platt—*Dutches.*
Mr. Adgate—*Albany.*
Mr. Little, Col. Allison—*Orange.*
Mr. L'hommedieu, Mr. Miller—*Suffolk.*
Col. Drake—*Westchester.*
Mr. Contine, Major Parks—*Ulster.*
Mr. Newkirk—*Tryon.*

An account of Gerret Roorback, of the city of New-York, for his disbursements for sweeping the chimnies of the houses wherein the Continental soldiers were quartered; as also for his wages, and that of his clerk and two assistants, was presented to the Committee.

Ordered, That Mr. Roorback be directed to apply to the Barrack-Master-General for a certificate that the said Mr. Roorback has acted as barrack-master, and that his two assistants and clerk have under him acted in that department, and that he believes the said account to be just and true. That the said Gerret Roorback do present the said account to the Pay-Master-General for payment, and that on his refusal to pay the same, and to certify such refusal, that Mr. Roorback do return his said account, with proper vouchers, to the Convention or Committee of Safety of this State.

Mr. Roosevelt from the committee appointed yesterday to examine the account of expenses and disbursements of the committee appointed to repair to Albany to form an arrangement of officers, and the committee appointed to cooperate with General Schuyler, reported that they have examined the same and find it just.

Ordered, That the said account be delivered to the Auditor-General, and that the balance remaining in the hands of the said committee be paid into the Treasury.

Ordered, That the Treasurer of this State do pay unto Mr. Garrit Roorback the sum of four pounds for riding express to Albany with public despatches to General Schuyler, and that the same be charged to the Continental account.

Mr. L'hommedieu presented to the Committee a certificate in the words following, vizt:

"IN COMMITTEE,
"*Southold, Augt. 19th*, 1776.

"These certify that the committee of Southold have expended twenty-four pounds seventeen shillings and four pence, in mounting four cannon as field pieces for the protection of the east end of Long island.

"By order.
"ROBERT HEMPSTEAD,
Chairman."

Mr. L'hommedieu informed the Committee of Safety

that the said cannon are now at Saybrook. That the cannon at Saybrook belonging to this State are, 1 12-pounder, 4 6-pounders, 1 4-pounder, and 1 3-pounder.

Ordered, That Mr. L'hommedieu and Mr. Gelston, or either of them, be and hereby are authorized to sell and dispose of the said three-pounder, and apply the amount of sales to discharge the said twenty-four pounds seventeen shillings and four pence, and render an account of the sales to the Convention or Committee of Safety of this State.

DIE JOVIS, 4 HO. P. M,

Novr. 21st, 1776.

The Committee met.

PRESENT—P. Van Cortlandt, Esqr. *Vice-Prest.*

Mr. Duane, Col. Brasher, Mr. Dunscomb, Mr. Harper, Mr. Jay—*New-York.*

Mr. Adgate, Mr. R. Yates, Mr. Cuyler—*Albany.*

Major Lockwood, Col. Van Cortlandt, Judge Graham—*Westchester.*

Mr. W. Smith, Mr. L'hommedieu—*Suffolk.*

Mr. Wisner—*Orange.*

Colo. De Witt—*Ulster.*

Mr. Platt, Mr. G. Livingston, Major Schenk—*Dutchess.*

Major Webster, Mr. Duer—*Charlotte.*

A letter from General Washington, dated the 16th inst. was read, and is in the words following, that is to say:

"*General Greene's Quarters, Novr. 16th*, 1776.

"GENTLEMEN—I do myself the honour to transmit to you a copy of sundry resolves of Congress which came to hand yesterday evening. By these you will perceive that they have entered into some new regulations respecting the enlistment of the new army, and reprobating the measures which I presume you have heard, have been adopted by the State of Massachusetts Bay for raising the quota to be furnished by them. My view in doing this, is to inform you of their sense upon this subject, and that they will admit of no departure from the terms they themselves have heretofore published, except in the instances mentioned in these resolves. They are plain and explicit, and I will take the liberty to add, should form a part of the instructions to be given to the officers who may be appointed to recruit.

"I would also beg leave to observe that the necessity of raising the new army, becomes more and more urgent, and is such as calls for every possible exertion to effect it. The Congress convinced of this, and seeing the delays of some of the States in carrying the resolves recommended to them into execution, have empowered and requested me to nominate officers to the regiments of such States as have not sent commissions to the army for that purpose; as this is a matter in which I would not wish to interfere at this time farther than compelled by their direction and the situation of our affairs, I shall be happy to know what progress you have made in this instance, and whether the arrangement for your regiments is completed. If it is not finished, let me entreat you to do it as speedily as possible; the necessity is obvious, and must be felt by every one. Till the officers are appointed, no measures can be pursued for enlisting the men. If the bounty allowed by Congress could be paid down, it is more than probable it might induce many to engage more willingly. Under this idea, I shall be ready to advance to such officers as you appoint to the command of the regiments, upon your requisition, such sums of money as may be sufficient for that purpose, if provision has not or shall not be otherwise made by Congress for the same.

"I am sorry to inform you that this day about 12 o'clock, the enemy made a general attack upon our lines about Fort Washington, which having carried, the garrison retired within the fort. Colonel McGaw finding there was no prospect of retreating across the North river, surrendered the post. We do not yet know our own loss or that of the enemy in forcing the lines, but I imagine it must have been pretty considerable on both sides, as the fire in some parts was of long continuance and heavy; neither do I know the terms of capitulation. The force of the garrison before the attack, was about 2,000 men.

"I have the honr. to be, with great respect,

"Gentlemen, your mo. obt. servant,

"GO. WASHINGTON.

"Convention of New-York."

A letter from Jacob Garrigue, at Peekskill, dated Novr. 14, 1776, and directed to Colo. Brasher, was read. It informs that there is no sheet iron at Peekskill; that there is about half a ton at North Castle, under the care of Mr. Brower, which may supply pipes for stoves, now casting by order of this Committee at request of General Schuyler.

A letter from Robert Boyd, dated the 18th Novr. directed to P. Van Cortlandt. He acknowledges that he has received a letter from the Vice-President, relative to the distressed Continental troops raised and returning to New-Jersey, who are now at New-Windsor; he will assist, or endeavour to lend his aid in forwarding the said troops to New-Jersey.

A letter from T. Tilghman, Esqr. to Robert R. Livingston, Esqr. dated at Hackensack, the 17th November, 1776. He therein mentions a heavy loss suffered yesterday by the loss of Fort Washington and its garrison, consisting of about two thousand men, chiefly made prisoners of war, and who were not slain in the action; that the army was posted on that side from Newark to Amboy, as places easy of communication with each other, and through which the enemy must pass to Philadelphia or any place to the southward of their army.

The committee appointed by the Convention to form an arrangement of officers for four battalions, pursuant to sundry resolutions of Congress, came into the Committee of Safety, and Robert Yates, Esqr. the chairman of that committee of arrangement, brought in the report, which he read in his place and delivered in at the table, where the same was again read; the said report being then read by paragraphs, the Committee of Safety agreed to, and adopted that part of the report which relates to a request of permission to raise a fifth battalion to be raised and commanded by Col. D. Bois, and is in the following words, vizt:

"The committee appointed for carrying into execution the resolves of Congress, relative to the new arrangement of officers, &c. beg leave to report, that in pursuance of the orders of the Convention, and agreeable to the directions of the General Congress, your committee have completed an arrangement of officers for the four battalions ordered to be raised in this State, which arrangement is annexed to report.

"They further beg leave to report, that in forming the above mentioned arrangement, so far as the officers of Colo. Dubois's regiment were concerned in it, your committee considered them as entitled to no other rank than what they held prior to their appointment in that regiment, which was done without the recommendation or intervention of the Convention of this State, contrary to the uniform practice in all similar cases, and in prejudice of other officers of higher rank and equal merit.

"That your committee were constrained by those principles to omit Col. Du Bois's name in the present arrangement; that Colo. Du Bois hath been well recommended to this committee as an exceeding good officer, capable of commanding a regiment with credit to himself and advantage to his country.

"That from the quota of this State being assessed so low as four battalions, many good officers will be unprovided for; that sundry applications have been made to your committee for commissions, by young gentlemen of fortune and family, whose services your committee were under the disagreeable necessity of declining to accept.

"That your committee are clearly of opinion that an-

other battalion might be raised in this State, and they therefore earnestly recommend it to the Convention to use their influence with the General Congress to obtain their permission and order for that purpose; and Colonel De Bois to command the said battalion so to be raised and to have the rank of fourth colonel of the New-York forces.

"That the officers whose names are contained in the annexed arrangement, have been well recommended to this committee as proper for the offices assigned them; and that the committee have no doubt but that the troops under their command will do honour to this State.

"And your committee further beg leave to report that the importance of military discipline is so obvious, and the honour and safety of this State so deeply concerned in the behaviour and conduct of their troops, that it is absolutely necessary that the most effectual means should be adopted for perfecting them in military evolutions and discipline. That a good part of this State being already possessed by powerful armies of the enemy, whose disposition and motives will probably render it necessary to call those troops into immediate service, and to divide the battalions into detachments, it is to be apprehended that unless some extraordinary provision shall be made, many of the soldiers must be deprived of the opportunity of being taught their military exercises by experienced and capable disciplinarians.

"From these considerations your committee beg leave earnestly to recommend it to the Convention to request of the General Congress to commission, on their recommendation, an aid-major to each of the battalions of this State. The aid-majors to be appointed to be paid by this State and to hold such rank as they would have been respectively entitled to had they been provided for in any of the companies of the battalions of, or raised in, this State.

"ROBERT YATES, *Chairman.*"

The residue of the same report being read, it was

Ordered to be recommitted to the same committee.

Ordered, That a letter be written to the Honourable the Continental Congress, requesting their approbation of the resolutions for raising a fifth battalion in this State, to be commanded by Col. Du Bois, and another letter to General Washington requesting his countenance to that measure; and that the committee for arranging the battalions, prepare and report drafts of such letters.

Ordered, That the Treasurer of the State advance, on Continental account, for the purpose of recruiting the four battalions of Continental troops to be raised in this State, the further sum of twelve thousand pounds, to wit, to Colonel Goose Van Schaick the sum of three thousand pounds; to Colo. Phillip Van Cortlandt the sum of three thousand pounds; to Colo. Peter Gansevoort the sum of three thousand pounds, and to Col. Henry B. Livingston the like sum of three thousand pounds, to enable them, the said colonels, to disburse the bounty money to their recruiting officers, each respective colonel to give his receipt to be accountable for the expenditure of the sum he shall receive by virtue of this order.

DIE VENERIS, 10 HO. A. M, *Novr. 22nd*, 1776.

The Committee of Safety met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, *Vice-President.*

Col. Brasher, Mr. Dunscomb, Mr. Duane, Mr. R. Harper—*New-York.*

Major Webster, Mr. Duer—*Charlotte.*

Mr. Adgate, Mr. R. Yates, Mr. Cuyler—*Albany.*

Mr. Wisner—*Orange.*

Mr. L'Hommedieu—*Suffolk.*

Col. Van Cortlandt, Judge Graham, Major Lockwood—*Westchester.*

Col. De Witt—*Ulster.*

Mr. Sackett, Mr. G. Livingston, Mr. Platt, Major Schenk—*Dutchess.*

Mr. Newkirk—*Tryon.*

The committee appointed by the Convention to form an arrangement of the battalions raising in this State, brought in the residue of their report, which was yesterday recommitted. The same was read by Robert Yates, Esqr. chairman of that committee, and delivered in at the table, where the same was again read, and being amended, was agreed to and adopted by the Committee of Safety, and is in the words following, that is to say:

A List of Officers of four battalions to be raised in the State of New-York, arranged by a Committee of Convention of the said State, November 21st, 1776.

1st BATTALION.	2nd BATTALION.
1. Goose Van Schaick, Esqr. colo. 3. Corns. Vandyck, Esqr. lt. col. 2. Christr. P. Yates, Esqr. major. Peter T. Tears, adjt. Henry Van Woert, qr. master.	2. Philip Van Cortlandt, Esqr. colonel. 1. Frederick Wisenfels, Esqr. lt. colo. Elisha Marshall, adjt. Levi De Witt, quarter-master.
2. Joseph McCracken, 1st capt. 4. Leonard Bleecker, 1st lieut. 5. John Dinny, 2nd lieut. 7. John Werner, ensign.	2. Mathew Clark, 1st lieut. 4. William Munday, 2nd lieut. 8. Peter Dolson, ensign.
3. John Graham, 2nd capt. 9. Nichs. Van Rensselaer, 1st lieut. 29. John Lansing, Junr, 2nd lieut. 4. John Ten Eyck, ensign.	9. Benjn. Pelton, 2nd capt. 8. James McHughs, 1st lieut. 1. William Tapp, 2nd lieut. 13. T. Beekman, ensign.
6. Andrew Finck, 3rd capt. 19. Tobias Van Veghten, 1st lieut. 32. B. Van Velkenburgh, 2nd lieut. 3. Abraham G. Lansing, ensign.	8. Charles Graham, 3rd capt. 20. James Miller, 1st lieut. 15. James Fairley, 2nd lieut. 9. Timothy Smith, ensign.
12. Ben. Hicks, 4th capt. 13. Charles Parsons, 1st lieut. 26. Samuel Thorne, 2nd lieut. Wilhelmus Ryckman, ensign.	21. Samuel T. Pell, 4th capt. 26. Isaac Sherwood, 1st lieut. 14. E. Johnson, 2nd lieut. 10. Andrew White, ensign.
14. David Van Ness, 5th capt. 11. John Hoozhhert, 1st lieut. 11. Abm. Hardenbergh, 2nd lieut. Jacob H. Wendell, ensign.	22. Richard Platt, 5th capt. 31. Robert Wood, 1st lieut. 13. Gilbt. James Livingston, 2nd lieut. 15. William Glenny, ensign.
17. Samuel Van Wezht, capt. 12. John E. Ten Brower, lieut. 10. William Sender, 2nd lieut. 9. Peter S. Hoseboone, ensign.	2. Elijah Hunter, capt. 6. Isaac Van Wirt, lieut. 16. Chas. Weisenfeels, 2nd lieut. 11. Thos. Bushfield, ensign.
13. John H. Wendell, capt. 14. A. Sherwood, lieut. 9. John Ostrander, 2nd lieut. 5. Peter J. Schuyler, ensign.	25. Jonathan Hallet, capt. 29. Peter Benedict, lieut. 17. Christopher Codwise, 2nd lieut. 14. Joseph Herring, ensign.
19. Garret J. Veeder, capt. 15. Barent S. Salesbury, lieut. 12. Ephraim Snow, 2nd lieut.	27. Edward Lounsberry, capt. 23. Charles Newkirk. 8. Jeremiah Clark. 12. Wm. Nottingham.
Abraham Ten Eyck, paymaster.	Hunlock Woodruff, received by Col. Wesenfells as surgeon.

3rd BATTALION.	4th BATTALION.
3. Peter Gansevort, Esqr. colo. 2. Marinus Willett, Esqr. lt. colo. 3. Robert Cockran, Esqr. major. Geo. Sythes, adjt. Thomas Williams, qr. master.	4. Henry B. Livingston, col. 4. Ben. Ledyard, major. Peter Sacket, adjt. —— Van Wyck, qr. master. John Peter Detard, chaplain.
7. Elias Van Rensselaer, capt. 1. Jonathan Pearsey, lieut. 22. Thomas Costradieur, 2nd lieut.	4. Samuel Sacket, capt. 3. Nathl. Norton, 1st lieut. 2. Geo. Smith, 2nd lieut. 19. Joshua Drake, ensign.
10. Thomas De Witt, 2nd capt. 24. Henry Pawling, 1st lieut. 21. Benjamin Borgardus, 2nd lieut.	5. John Davis, 2nd capt. 5. William Havens, 1st lieut. 7. Silvanes Concklin, 2nd lieut. 20. Caleb Brewster, ensign.
11. C. T. Janson, 3rd capt. 25. N. Vander Heyden, 1st lieut. 31. James Dubois, 2nd lieut. 2. Samuel English, ensign.	Jacobus Boucrans, capt. 16. Simeon Tryon, 1st lieut. 23. Peter Van Benschooten, 2nd lieut. James Campbell, ensign.
16. Abraham Swartwouds, 4th capt. 32. Phillip Conine, 1st lieut. 3. Gilbert R. G. Livingston, 2nd lieut.	15. William Jackson, 4th capt. 10. Thomas Lee, 1st lieut. 20. Ebenezer Mott, 2nd lieut. 1. Joseph Frylock, ensign.
20. Aaron Austin, 5th capt. 21. John Ball, 1st lieut. 25. Garret Staats, 2nd lieut.	24. Nathl. Strong, 5th capt. 22. Edward Concklin, 1st lieut. 2nd lieut. 21. Joshua Young, ensign.
20. James Gregg, capt. 27. Levi Stockwell, lieut. James Blake, 2nd lieut.	26. Benjn. Walker, capt.
29. Henry Tiebout, capt. 30. Isaac Bogart, lieut. 27. William Meade.	20. Israel Smith, capt. 17. Pelton Jackson, lieut. 30. Thomas Hunt, 2nd lieut.
32. John Houston, capt. 21. John Welder, lieut. 19. Prentice Brower, 2nd lieut.	31. Jonathan Titus, capt. 18. John Lloyd, lieut. 28. Abm. Hyatt, 2nd lieut. Melancton Lloyd Woolsey, ensign.

Thereupon,

Resolved, That the Committee of Safety does agree with the committee of arrangement in the whole of their report.

Ordered, That the Secretary prepare a copy of the said report, to be transmitted to the Honble. Congress, and

another copy, to be transmitted to His Excellency General Washington.

A letter from Samuel Tudor and Augustine Lawrence, dated the 21st of November, was read and referred to the following gentlemen, to report thereon, that is to say: Mr. Wisner, Mr. Gilbert Livingston, Mr. L'hommedieu, Mr. Platt and Mr. Cuyler.

Mr. William Duer informed the Committee that large quantities of hay and corn were purchased by the Quarter-Master-General for the use of the Continental army in the eastern parts of this county and the western parts of Connecticut, and that it would be hardly practicable to convey the same to the army unless the roads leading from the Oblong and Frederickburgh towards Reze's Bridge and North Castle were better repaired; he therefore, in behalf of General Mifflin, Quarter-Master-General of the Continental army, prayed that this House would devise ways and means of facilitating the above mentioned communication, not doubting but so necessary an expenditure would be cheerfully reimbursed from the Continental treasury.

On taking the application of Mr. Duer into consideration,

Resolved, That it will be necessary to repair the following roads in order to facilitate the cartage of forage to the Continental army: from the house of John Miller towards the house of Colonel Henry Livingston, thence to Samuel Washburn's, being eight miles; the road which runs east from Colonel Henry Luddington's to the store of Malcom Morrison, and thence south to the mills of Samuel Washburn, being twelve miles.

Resolved, That Colonel Luddington detach from his regiment one hundred men for the purpose of repairing that part of the road which is first mentioned, being in distance 8 miles.

Resolved, That Capt. H. Meade be appointed superintendent for repairing the above roads.

Resolved, That Colonel Field detach one hundred men from his regiment of militia for the purpose of repairing that part of the road which is last mentioned in the first resolution, being in distance 12 miles.

Resolved, That Capt. David Heacock be appointed superintendent for repairing the said road.

Resolved, That the superintendents above appointed be allowed ten shillings per day for their trouble, exclusive of their subsistence; and that they be respectively authorized to hire or impress teams and carts for the purpose aforesaid, paying for each ox cart with two yoke of cattle, finding themselves, sixteen shillings per day; for each wagon finding themselves, twelve shillings per day.

Resolved, That the said superintendents keep, and render to this Convention, regular accounts of their expenditures and proceedings.

Resolved, That the above mentioned detachments of militia, while employed in repairing the road, be under the direction of the superintendents aforesaid, and that while actually employed as aforesaid, they be allowed at the rate of four shillings per day to each man finding himself.

Ordered, That copies of these resolutions be immediately transmitted to the superintendents above mentioned, who are hereby directed to communicate them, without loss of time to Colonels Field and Luddington.

Resolved, That the sum of one hundred pounds be advanced to each of the superintendents for the repairs aforesaid.

DIE SABBATI, 9 HO. A. M.

Novr. 23rd, 1776.

The Committee met, &c.

PRESENT—P. Van Cortlandt, *Vice-Prest.*
Mr. Dunscomb—*New-York.*
Major Lockwood, Col. Van Cortlandt—*Westchester.*
Mr. A. Yates, Mr. Adgate—*Albany.*
Mr. Wisner—*Orange.*
Mr. W. Smith, Mr. L'hommedieu—*Suffolk.*
Mr. Newkirk—*Tryon*
Mr. G. Livingston—*Dutches.*
Major Webster—*Charlotte.*

A letter from Henry Outhout and Anthony Van Bergen, dated the 21st inst. relative to the prices of the goods which they were directed to purchase for soldiers' use, [was received.] They therein mention the prices of each respective article; and on account of the very high prices, they desire the direction of the Convention in the premises.

The Committee of Safety are of opinion that the said goods and articles are so dear that it will not answer to purchase them.

A draft of a letter to those gentlemen was read and approved, and is in the words following, vizt:

"IN COMMITTEE OF SAFETY,
for the State of New-York.
"*Fishkill, 23rd, Novr.* 1776.

"We have under consideration your letter, dated the 21st inst. in respect to sundry articles to be purchased for the use of the army, and find that the prices are so high that we judge you best not buy them. The matters you have already bought you will please to furnish an account thereof, and you will be paid.

"I am, gentlemen, yours, &c.
"By order.

"To HENRY OUTHOUT and
ANTHY. VAN BERGEN."

Ordered, That the same be engrossed and sent them.

Mr. John Sleghts account of fourteen shillings for going to view goods at Moumerskill, ordered to be paid.

An account of Mr. Thomas Wickes, amounting to four pounds sixteen shillings, for the services of himself and of Eliphalet Brush in May and June last, six days, in carrying into execution the orders of the then Provincial Congress, in apprehending and conveying to New-York, Isaac Ketcham, Isaac Youngs, Henry Dawkins, Philip Youngs and others, who have counterfeited and issued Continental bills of credit of thirty dollars, and bills of credit of Connecticut and Massachusetts Bay State, each for forty shillings. Payment considered and approved of.

And another account of the said Thomas Wickes thereto annexed for riding express to Albany with sundry letters from Head-Quarters and other places, directed to the General and Commander-in-Chief of the northern Continental army, five days at sixteen shillings per day, amounting to four pounds, was also exhibited for payment, considered and approved of.

Ordered, That the Treasurer of this State, pay to the said Thomas Wickes, the sum of eight pounds sixteen shillings, in full, for the two said accounts, taking a receipt for the same, and charge the same to Continental account.

A letter from Nicholas Governeur, dated the 14th of Novr. was read and committed to the committee for detecting conspirators.

A letter from Johannes Sleght, Esqr. chairman of Kingston, dated the 18th instant, stating that county to have, till within a few days, been a peaceable people, but they are now daily alarmed, and their streets filled with mobs from different parts of the country, breaking of doors, and committing of outrages to the disturbance of the peace of the good people of said town, owing as they believe to the misfortune of having that detestable article called *tea*, stored there.

Mr. Wisner and Gilbert Livingston's report was read.

Resolved, That a copy of the said report be transmitted to General Schuyler, with a request that he will favour the Convention with his advice on the best and most effectual plan for obstructing the navigation of Hudson's ri-

ver, and that the committee of the Convention of this State appointed to obstruct the navigation of Hudson's river, be instructed to cause a nautical survey to be made of such parts of the river as may be most effectually obstructed, so as not only to impede the navigation but likewise to prevent the landing of troops below such obstruction; that they endeavour to procure the advice of the general officers and engineers respecting the said obstructions.

Resolved, That the committee appointed to obstruct the navigation of Hudson's river, be instructed not to pay the blacksmiths who made the chain which was lately drawn across the said river, and broken by the tide, until such time as the sufficiency of their work can be properly examined; and that the said committee take proper measures for that purpose.

A letter from General Heath of the 20th, requesting the Convention to assist Colonel Chevers in procuring a repository for a large quantity of military stores, was read and referred to Mr. Duane and Mr. Platt to prepare an answer.

SATURDAY, 3 *ho. P. M. Novr.* 23*rd*, 1776.

The Committee met pursuant to adjournment.

PRESENT—P. Van Cortlandt, *Vice-President*.

Mr. Duane, Mr. Dunscomb, Colo. Brasher, Mr. Jay, Mr. Harper—*New-York*.

Mr. G. Livingston, Col. Platt—*Dutches*.

Mr. A. Yates, Mr. R. Yates, Mr. Cuyler, Mr. Adgate—*Albany*.

Major Lockwood, Col. Graham—*Westchester*.

Mr. L'hommedieu, Mr. Smith—*Suffolk*.

Colo. Pewit—*Ulster*.

Mr. Wisner—*Orange*.

Mr. Newkirk—*Tryon*.

Major Webster, Colo. Duer—*Charlotte*.

A letter from General Heath, dated the 23rd instant, was read. He requests a copy of the encouragement offered by the Honourable the Continental Congress, to such as shall engage to serve in the next army.

Ordered, That the secretary furnish General Heath with a copy of the same.

A letter from General George Clinton, was received and read.

A draft of the river, enclosed, was also exhibited, and committed to the committee of the Convention of this State, appointed to obstruct the navigation of Hudson's river.

A letter from Messrs. Augustine Lawrence and Samuel Tudor, dated this day, was received and read.

A draft of an answer thereunto, was read and approved of, and is in the words following, that is to say:

"IN COMMITTEE OF SAFETY,
"*Fishkill*, 23*rd Novr.* 1776.

"GENTLEMEN—Your letter of yesterday concerning a quantity of rigging, to be furnished by you by an order of the marine committee, is under consideration; as the order is explicit, we advise you to comply with it immediately.

"Capt. Ivers represents to us that it is impracticable to carry the cables by land, but that he has yarn sufficient to make the cables of, and that they cannot be safely carried until they are warped and tarred; this matter we leave with you, and advise, if it be the only practicable method, that it be pursued, and that Mr. Ivers go with the yarn and finish the cables. In case you cannot hire wagons or teams to carry the quantity of rigging wanted, you are hereby empowered to impress them, giving sixteen shillings per day for each ox team with drivers, (say four oxen) and twelve shillings per day for each wagon and horses, and drivers, they finding themselves, to carry the same to the first town in Connecticut on the road leading to Middletown.

"I am, gentlemen, with respect,
"Your very humble servt.
"By order.

"To Captains LAWRENCE and TUDOR."

A draft of a letter to the Honble. John Hancock, President of the Continental Congress, was read and approved of, and is in the words following, vizt:

"IN COMMITTEE OF SAFETY,
"*Fishkill*, 23*d Novr.* 1776.

"SIR—The Convention received the honour of your favour of the enclosing the resolutions of the Honourable Continental Congress for raising four battalions in this State. A committee of Convention immediately repaired to the armies to the northward and at King's Bridge, to inquire into the characters of the officers of the New-York battalions in the service of the United States, that an arrangement might be formed according to the rank and military abilities of the respective officers. The loss at that juncture of the fleet on Lake Champlain, the apprehension of an invasion both of our northern and western frontiers, and the necessity of vigorous efforts to suppress domestic insurrection, urges forward the militia of this State; and to supply both them and the garrison at Ticonderoga with provisions, oblige us to detain at Albany that part of the committee which was appointed to transact the business to the northward. It was with great reluctance we consented to this measure, which was necessarily productive of delaying the arrangement; but the safety of the army, and the good of the service in our opinion, demanded it. Recruiting officers were, however, immediately appointed, and money advanced for the bounty, and a considerable number of men are raised.

"The committee have now completed the arrangement which we have the honour to transmit; they assure us that it is formed agreeable to the directions of the Honble. Congress; that they have consulted the general officers in the respective departments where the troops of this State were stationed, and have appointed only such as were well recommended for their honour and abilities; and we flatter ourselves that they will do credit to this State, and be of service to the glorious cause in which we are engaged.

"Col. Nicholson's regiment, which was formed in Canada by General Wooster, consists of about 150 privates, whose period of service expires next spring; they have been stationed since their return from Canada, at the German Flatts, where they still remain. The committee inform us that they have promoted only two officers of that battalion in the present arrangement, none else having been recommended. The circumstances of Colo. Du Bois's battalion are particularly mentioned in the report of the committee of arrangement, which we need not repeat. Another battalion we think may be raised, as too many of our inhabitants reduced to want by the invasion of this State, the progress of the enemy and their cruel devastations, will look up to the army as a provision for their distressed families. Add to this, that military ardor and a spirit of resentment increasing in proportion to the injuries we have suffered, several young gentlemen of fortune who have hitherto remained inactive, are disposed to enter into the service of their country, and to contribute to its preservation and independence.

"From these considerations, we earnestly request the Honble. Congress to grant us permission to raise a 5th battalion, to be commanded by Col. D. Bois, of whose courage and military talents we have a high opinion. The committee of arrangement sensible how much the American army have suffered for want of discipline, have strongly recommended the necessity of appointing an aid-major for each of the New-York battalions, to be paid by this State; the reason assigned by them for this measure, appears to us so cogent that we shall cheerfully consent to the expense, if it meets with the approbation of Congress."

Ordered, That a copy thereof be engrossed, and signed by the Vice-President, and transmitted.

A draft of a letter to General Washington, in answer to his letter of the 16th inst. was read and approved of, and is in the words following, that is to say:

"COMMITTEE OF SAFETY,
"*Novr. 23rd*, 1776.

"SIR—The Committee of Safety have the honour of your Excellency's letter of the 16th inst. which was immediately referred to the committee for arranging the officers to serve in the four battalions to be raised in this State.

"The Committee are extremely happy to find that the measure adopted by the State of Massachusetts Bay, for augmenting the pay of their troops, has been reprobated by the General Congress, as such a precedent must either have produced among the other troops a discontent and jealousy which might have been attended with the most fatal consequences, or have reduced the Representatives of this State to impose further burthens on their constituents, many of whom are already impoverished by the havoc and destruction of the present campaign. It is with equal pleasure that they have perused the alteration in the mode of enlistment, which will in all probability tend to expedite the completing of the levies.

"We are informed by the committee of arrangement that they have made these resolutions of the General Congress a part of their instructions to their recruiting officers.

"The Committee coincide in opinion with your Excellency, that the welfare of the United States is deeply interested in the expeditious raising of the new army, and they lament the cruel necessity which has prevented the arrangement from being completed with the despatch they wished. Many causes have conspired to occasion this delay, which it may not be unnecessary to submit to your Excellency's consideration.

"Immediately on the receipt of the resolutions of Congress, of inst. two committees were appointed by the Convention of this State; the one to repair to the northern, and the other to the southern army, in order to confer with the general officers concerning the characters of each of the officers as were fit to be employed on the new establishment. Soon after their departure from this place, an account was received of the destruction of our fleet on Lake Champlain; in consequence of which it became necessary to appoint a committee to coöperate with General Schuyler in calling for the militia, in furnishing provisions to the northern army, and in curbing the attempts of our internal enemies on the frontiers, and to add to this committee the gentlemen who composed the committee of arrangement.

"On their arrival at Albany, a large field of business was opened to their view, which necessarily detained them for a much longer time than was expected. To this cause, and to the extreme difficulty which the committee of arrangement found in discharging their trust in such a manner as to give least disgust possible to such officers of merit, who, from the reduction of the quota of troops to be raised in this State, must necessarily be unprovided for, may be imputed the delay of the arrangement.

"I have now the honour of transmitting to your Excellency a copy of the arrangement of the four battalions to be raised by this State, together with a copy of a report of the committee of arrangement to the Committee of Safety, which has been considered and approved of.

"The Committee of Safety, agreeing in opinion with the committee of arrangement, that another battalion may be raised in this State with advantage to the public cause, and that the appointment of a supplemental officer, called an aid-major, to each battalion, at the expense of this State, will tend to perfect the troops in their discipline, have directed me to request your Excellency's interposition with the General Congress in getting these measures approved of, should the reasons urged by the committee of arrangement appear satisfactory with respect to the arrangement.

"We have only to observe, that we have been assured by the committee of arrangement, that they have taken infinite pains in forming it, and that they entertain no doubt but that the troops under, the command of the officers by them appointed, will serve with credit to themselves, with honour to this State, and with advantage to the great cause in which the United States are at present engaged.

"Your Excellency is deservedly entitled to the thanks of this Committee for your readiness to advance the quota of bounty necessary for the enlistment of our battalions; but as a sum of money has been appropriated by the Convention for that purpose, and is now remitted to the proper officers, we shall have no occasion to accept of this proposal.

"The delicacy which your Excellency has ever observed with respect to the civil power of this State, merits their warmest acknowledgments, and will always induce them the more cheerfully and strenuously to cooperate with your Excellency in every measure that may be deemed conducive to the public weal.

"The committee are sorry to hear of the reduction of Mount Washington, and feel deeply for the loss of the gallant officers and soldiers who perished in its defence or who are now captives.

"They trust, however, that the minds of the Representatives of this State can bear with fortitude this heavy blow and even other calamities of greater weight; and that under the influence of the councils of the General Congress and the auspices of your command, the liberties of the United States will at length be established on a wise and firm basis.

Lieutenant Colonel Welsh, who commands a detachment of the New-Hampshire militia, which is stationed at this place, has informed the committee that the term of enlistment of the men under his command expires on the first of December, and begs to know whether it is your Excellency's pleasure that they should return home or wait further orders.

"The committee for detecting conspiracies in this State have made such progress lately in removing the disaffected, that we shall not want their longer stay at this place unless some event at present unforeseen should happen.

"We beg leave to inform your Excellency that as the Convention of this State have no occasion for the services of the Continental troop of horse which your Excellency stationed here under their direction, and as they necessarily consume a great deal of forage which might otherwise be spared for the use of the army, we submit to your Excellency's discretion the propriety of removing them.

"We have the honor to be,
"Your Excellency's most obedt.
"And very humble servts.
"By order.

"To His Excellency Genl. GEO. WASHINGTON."

DIE LUNÆ, 9 HO. A. M,
25th Novr. 1776.

The Committee met pursuant to adjournment.

PRESENT—P. Van Cortlandt, *V. President.*
Mr. Duane, R. Harper—*New-York.*
Mr. Newkirk—*Tryon.*
Mr. A. Yates, Mr. Adgate, Mr. Cuyler, Mr. R. Yates—*Albany.*
Mr. W. Smith, Mr. L'hommedieu, Mr. Miller—*Suffolk.*
Major Webster—*Charlotte.*
Major Lockwood—*Westchester.*
Mr. Wisner—*Orange.*

Major Flores Bancker, in behalf of Colonel Johannes Snyder and the officers of his regiment, presented to the Committee a number of queries, which were read.

Ordered, That the said queries be referred to Mr. L'hommedieu and Mr. to report thereon.

DIE LUNÆ, *P. M. 4 ho. Novr. 25th*, 1776.

The Convention met pursuant to adjournment.

PRESENT—P. Van Cortlandt, *V. President.*
Mr. Duane, Mr. Dunscomb—*New-York.*
Mr. A. Yates, Mr. R. Yates, Mr. Adgate, Mr. Cuyler—*Albany.*
Mr. W. Smith, Mr. L'hommedieu, Mr. Miller—*Suffolk.*
Mr. Lockwood—*Westchester.*
Mr. Newkirk—*Tryon.*
Mr. Wisner—*Orange.*
Mr. Wisner—*Charlotte.*

Mr. L'hommedieu, from the committee to whom was referred the queries presented by Flores Bancker this morning, made a report which was approved of and agreed to in the words following, that is to say:

Major Flores Bancker, in behalf of Colonel Johannes Snyder and sundry of the officers in his regiment, presented a number of queries in writing to this committee, whereupon the committee come to the following determinations: As to the first and second queries,

Resolved, That the deputy treasurer of this State be appointed to pay the said regiment speedily before they leave the service.

As to the third and fourth queries,

Resolved, That each captain make and return a muster roll of his company to Colonel Snyder, and subscribe an affidavit, to be endorsed thereon and sworn to before the said colonel, that the same contains a true and faithful list of the deponent's company in Colonel Snyder's regiment.

Resolved, That the pay rolls be made out in common form by the captains of the companies respectively and attested on oath before the commanding officer of the regiment in manner following, that is to say:

I do solemnly swear on the Holy Evangelist of Almighty God, that the within roll by me subscribed, is a just and true roll of my company, and that each of the officers and privates in the said roll named, have been in service in the respective stations therein mentioned at the fortifications in the Highlands, in pursuance of the resolutions of the Representatives of the Convention of the State of New-York, of the seventh of September last; and that the time charged for each person respectively is the just and true time of his service, including one day for every twenty miles such person has marched from his house or home to the said fortifications; and that the sums charged in the said roll for pay and subsistence, are justly and truly charged, and are justly due and owing to the officers and privates of the company herein named.

As to the fifth query, a provision is made by a resolution of the Committee of Safety this day, to which you are referred.

As to the sixth and seventh queries,

Resolved, That the officers are entitled to Continental rations from the time of their march to their return, and the deputy treasurer will pay the money for those rations they have not or shall not receive.

As to the pay of the officers,

Resolved, That the same commence from the time of their march and continue to the time of their return.

Resolved, That those who shall continue in service agreeable to the resolutions above referred to, instead of *one* penny, shall be allowed two pence New-York money per mile for their travelling expenses home.

Certain resolutions reported by Mr. Duane, for continuing General Scott's brigade and Colonel Snyder's regiment in service one month longer, was read and agreed to, and is in the following words, vizt:

WHEREAS the period of service of the brigade of militia of this State, under the command of Brigadier-General Scott, as well as that of the detachment of militia stationed in the forts in the Highlands, commanded by Colonel Snyder, will soon expire: AND WHEREAS from the invasion of this State in different parts, and the measures necessary for its protection and security, an unavoidable delay has been occasioned in the enlisting and raising the four battalions of troops in this State, for the Continental service: AND WHEREAS our merciless enemy, who have laid waste with unrelenting fury, such parts of this State as unhappily became a prey to their vengeance and rapacity, have been encouraged by a season uncommonly favourable, and the hopes of the diminution of the Continental forces, and the militia, on account of the expiration of their times of service to protect their military operations, and to proceed in spreading ruin and desolation throughout such parts of this injured country as they find defenceless and exposed to their barbarous incursions, and the further services of the said brigade and detachment of militia being from these important considerations indispensable; and for as much as from the present motions of the enemy, it is highly probable that all the militia of this State will speedily be called forth into actual service: This Committee of Safety do therefore

Resolve, That in their opinion the said brigade and detachment of militia ought to continue in service until the last day of December, (unless from the situation of the enemy they can sooner be discharged with safety,) on the same pay and rations which have hitherto been claimed and provided for them.

And this committee are persuaded that when they sincerely reflect on the situation of their bleeding country, the miseries to which their friends and families must be exposed by the further progress of their inhuman enemy, and the disgrace of deserting the service at so critical a period; when they consider that their retiring can procure them but a few days of ease, inglorious to the enjoyment and bitter in reflection, since it must invite their inveterate foes to pursue and seek them out in their very habitations; when they remember the righteous cause in which they are engaged in common with a whole Continent, and the inestimable value of the blessings of freedom and security, for which they contend; and when finally they contemplate the glory which must be acquired in bravely defending their country against the hand of tyranny and oppression; their fathers, their families, their relations and their friends from rapine, plunder and slaughter, and their families from indignities worse than death—from motives so powerful; from every argument of interest, honour, duty and self-preservation, as well as from past experience of their courage and patriotism—the committee entertains not the least doubt, but that the officers and privates of the said brigade and detachment of the militia will, with the utmost cheerfulness and alacrity, comply with the resolve, and continue to exert and distinguish themselves as brave, steady and virtuous citizens and soldiers, and thus recommend themselves to the protection of heaven, and the regard and gratitude of their distressed country.

Resolved, That copies of this resolution be immediately transmitted to General James Clinton and General Scott, and that the same be published at the head of every regiment in General Scott's brigade, and of every company of the detachment commanded by Colonel Snyder.

TUESDAY MORNING,

Novr. 26th, 1776.

The Committee met.

PRESENT—Colo. Van Cortlandt, *Vice-President.*
Mr. A. Yates, Mr. Adgate—*Albany.*
Col. Van Cortlandt, Mr. Lockwood—*Westchester.*
Mr. Smith, Mr. L'hommedieu, Mr. Miller—*Suffolk.*
Mr. Webster—*Charlotte.*
Mr. Contine—*Ulster.*
Mr. Newkirk—*Tryon.*
Mr. Wisner, Col. Allison—*Orange.*

As Colonel Philip Van Cortlandt is at present at Ticon-

deroga, and not soon expected, and the raising of the troops may thereby be retarded, therefore,

Resolved, That the sum of three thousand pounds ordered on the 21st inst. to be paid to him, be paid to his lieutenant, Colonel Fredk. Wiesenfels, for the purposes and under the restrictions mentioned in the said order; the Treasurer deducting out of the said money the sums he has advanced for recruiting, to any of the officers belonging to the second battalion.

The defence of Hudson's river being not only absolutely necessary for the security of this State, but also for the defence of the United American States, and keeping up a communication between the eastern and southern States,

Resolved, That the committee heretofore appointed to obstruct the navigation of Hudson's river, or any three of them, be directed to report some form of a plan for perfecting the same, with all convenient speed.

A letter from Augustine Lawrence and Samuel Tudor, dated at Poughkeepsie, the 25th inst. relative to the removing of the ships at Poughkeepsie was read.

Ordered, That it be referred to Mr. Wisner, Mr. Platt, Mr. Gilbert Livingston, Mr. Cuyler, and the other members of the committee appointed on the last for that purpose.

A letter from Linde Lord, Esqr. dated at on the 25th inst. relative to Mr. Mathews and the Youngs' escape.

Ordered, That it be referred to the committee of conspiracies to report thereon.

A letter from Lieutenant-Colonel Johannes Hardenburgh, dated at camp, near Peekskill, was read; he informs that a parcel of arms, cartouch-boxes and belts were delivered to him for the use of his regiment, and requesting directions to whom to deliver the said arms and accoutrements. Referred to Mr. Duane to report a draft of an answer giving proper directions.

The petition of Alexander Stewart, a prisoner, praying for the allowance of a prisoner of war, and the case of Metcalf, a midshipman, stated by Mr. McKesson, was referred to Mr. Yates, Mr. Dunscomb and Mr. Miller.

The Committee of Safety were informed that Lieut. Colonel Welsh has placed several sick in the house where William Barnes and two other poor families now reside; that it is necessary that some hospital be provided for his sick; and no place being considered so proper for an hospital as the said house,

Ordered, That Captain Theodorus Bratt do provide houses or proper places for the said families, and carriages to remove the said three families, that the said house may be used as an hospital.

The Committee of Safety were further informed that part of a regiment of Connecticut troops are arrived here from Hackensack, many of them sick, and the whole destitute of provisions.

Ordered, That Mr. L'hommedieu and Major Lockwood be a committee to inquire into the cause of the said Connecticut troops, and if Colonel Welsh shall refuse to take charge of them, then to give proper orders for their relief.

A pay roll and a subsistence roll of Capt. Jacob Rutzen De Witt's company of rangers, raised in Ulster county, were delivered in for payment.

Ordered, That they be referred for examination to Mr. Newkirk and Mr. Contine.

A bill of credit of Rhode-Island, altered and changed, so as to appear to be of a greater value than that for which it was issued, viz: appearing to be a bill of twenty shillings lawful, when in fact it is a bill of one shilling lawful, was laid before the Committee of Safety; and the Commitee of Safety were informed that one Gilchrist, a soldier in Capt. William Jackson's company at Fort Constitution, had passed the said bill to the wife of Isaac Schults, at New-Windsor, for twenty shillings lawful, and refused to receive the said bill and repay the money for the same.

Ordered, That the commanding officer at Fort Constitution, send the said Gilchrist to the chairman of the committee of Ulster county; that the said chairman take all proper examinations in the premises; and if it shall appear to him that the said Gilchrist knew or had reason to believe that the said bill of credit was altered, and not of the value of twenty shillings lawful money, that he cause him to be committed to the jail of Ulster county, there to be kept in safe custody, until he shall be thence delivered by due course of law.

WHEREAS, There are several accounts due from this State to the inhabitants of the State of Connecticut, on account of expenses accrued by reason of the removal of stock, and the poor inhabitants from Long-Island:

Ordered, That be a committee to collect and state those accounts, together with the names of persons bought of, the quantity of stock and the names of the persons to whom they belonged, together with the place of their present residence, and report the same to the Convention of this State as soon as possible.

TUESDAY AFTERNOON, *26th Novr.* 1776.

The Committee met pursuant to adjournment.

PRESENT—P. Van Cortlandt, *V. Prest.*
Mr. Duane, Mr. Dunscomb—*New-York.*
Col. Allison, Mr. Wisner—*Orange.*
Mr. A. Yates, Mr. R. Yates, Mr. Cuyler—*Albany.*
Mr. Newkirk—*Tryon.*
Mr. W. Smith, Mr. L'hommedieu, Mr. Miller—*Suffolk.*
Mr. Contine—*Ulster.*
Mr. Lockwood—*Westchester.*
Major Webster—*Charlotte.*

A letter from Major-General Heath, of the 25th, was read.

Ordered, That a letter be written to General Heath, with the thanks of this Committee for his attention, and that Mr. Duane report the draft of such letter.

Mr. Miller, from the committee to whom was referred the memorial of Alexander Stewart, and the case of Wm. Metcalf, do report, that the said Alexander Stewart was committed to the keeper of the jail of Westchester county on the twenty-seventh day of July last, there to remain until further order; that about the twentieth day of October last, the said Alexander Stewart, with the other prisoners who were in that jail, were sent to Fishkill under guard, where the said Alexander Stewart has since remained without any allowance for support known to your committee.

That the said William Metcalf after he was taken a prisoner of war, was sent to the care of the committee at Poundridge; that to prevent his making his escape from thence, and for misbehaviour, he was by order of the said committee on the twenty-fourth of September last, committed to Westchester jail, from whence he was sent to Fishkill about the twentieth of October.

That your committee are of opinion that an allowance be made to each of them, the said Wm. Metcalf and Alexander Stewart, of the like rations as the troops in the service of the United States, from the twentieth day of October last, that is to say, in money at the rate of eight ninetieth parts of a dollar per ration, or in provisions at their election.

The committee appointed to inquire into the circumstances of that part of Colonel Bradley's regiment which is arrived from Hackensack to this place, report that it appears that those troops being near Fort Lee, on the approach of the enemy, they were directed to retire out of their reach and join the first or nearest corps of the army of the United States; that some of them are fit for duty, but that a number of them are sick.

Ordered, That the lieutenant be desired immediately to repair to Peekskill with those fit for duty, and apply to to Colonel Heath. That Doctor Graham take care of the sick at Continental expense until General Heath shall send a physician to take charge of them, or give directions con-

cerning them, and that the commissary at Fishkill supply them with provisions.

Resolved, That Mr. Robert Livingston be requested to repair to Peekskill and North Castle, to confer with Generals Lee, Heath and Clinton, on the situation of the enemy within this State; the passes necessary to be secured on both sides of the Highlands, and the means proper for that purpose; and also for obstructing the Hudson's river near Pollepel's island, agreeable to the plan recommended by General Clinton.

Resolved, That the navigation of Hudson's river be obstructed near Pollepel's island at the northren entrance of the Highlands, agreeable to the plan recommended by General James Clinton, and that the Convention of this State will exert every measure necessary for that purpose.

A letter from John Campbell one of the agents of the Quarter-Master-General, dated the twenty-fifth instant, and directed to William Duer, Esqr. was read. Information is therein contained that there is a large quantity of hay to the amount of thirty or forty tons, on the east side of Van Cortlandt's manor, belonging to persons who have gone over to the enemy.

Resolved and Ordered, That Mr. Duer one of the members, be and is hereby authorized to send proper persons to take the said hay, and have the same valued and delivered for the use of the Continental army, and that the price of the said hay at its full value be deposited in the Treasury of this State, reserving so much as may be necessary for the support of the present stock on each farm; and if there shall be on any such farm a larger stock of cattle than is necessary for the support of the families of such persons who have so gone over to the enemy; that the parts of the said stock as is not necessary for the support of each such family be together with such hay, apprised by three respectable freeholders in the neighbourhood, and sold to the best advantage, and the amount of the sales thereof deposited in the treasury of this State.

WEDNESDAY, A. M.
November 27th, 1776.

The Committee met pursuant to adjournment.

PRESENT—P. Van Cortlandt, Esqr. *Vice-Prest.*
Mr. Dunscomb, Mr. Duane, Mr. Jay, Mr. Rutgers—*New-York.*
Mr. Newkirk—*Tryon.*
Mr. A. Yates, Mr. Cuyler, Mr. Adgate—*Albany.*
Col. Allison—*Orange.*
Mr. Miller, Mr. W. Smith—*Suffolk.*
Col. Van Cortlandt, Mr. Lockwood—*Westchester.*
Mr. Contine—*Ulster.*
Mr. R. R. Livingston, Mr. Platt—*Dutches.*
Major Webster, Mr. Duer—*Charlotte.*

A letter from General Scott, dated the 26th inst. was received and read, and is as follows, vizt:

"*Haverstraw, Novr. 26th*, 1776

"SIR—Upon some alarming accounts from Colonel Hay of a probability that the enemy would attempt a landing from their shipping, and of the defenceless state of the conntry, as well as the danger that many well wishers would be reduced by fear to a submission, General Heath thought proper to send me over with my brigade. Upon my arrival here I heard a distinct firing, supposed to be at Acquacknock, where I am assured our army was determined to engage the enemy this day. I am told firing began early this morning. I hope to be able to commuicate something agreeable to you, which if in my power, I shall not fail to do by express.

"The sole design of this letter is most earnestly to request the interposition of Convention to prevent the disbanding of my brigade on Sunday next. I have sent an express to General Heath, with a request to send me two more regiments and a field piece or two. But what will that succour avail if the service is to last only till Sunday. I hope my request will not be imputed to interested motives, when I assure you of my desire to serve my country one month longer without pay. I flatter myself the officers will be ashamed to refuse their service. If our Convention would think proper to furnish me with a bounty for the men, I think I can hold them. You cannot think, sir, of what infinite consequence it will be to this part of the country. Without some proper support, if our troops below should not succeed, the country below the mountains must submit to the enemy. If my views can be seconded by Convention, and General Heath should comply with my requisition, I flatter myself that with the militia of the county, numbers of whom I am sure will join me, if we countenance those by some suitable support, I may fall on the rear of the enemy with two thousand men. You may easily judge that if General Washington keeps them well employed in front, the expedient I propose may be successful; at least, if I can be strengthened, I am determined to risk it if I should fall in the attempt.

"In short, sir, our cunctandos have put me out of all patience. Let me not forget to tell you that thirty men were enlisted last Sunday into the enemy's service; and can you think, sir, that two thousand men marched southward from this, would not check the growing mischief? Be pleased, sir, to make my respectful compliments acceptable to Convention; assure them of my readiness to obey all their commands; reward the expresses, (I keep no account with the public,) and believe me to be, sir, with undissembled respect and esteem,

Your's and the public's, most devotedly,
"JOHN MORIN SCOTT.

"To the President of the Honble. Convention,
State of New-York."

A letter from General Heath, dated yesterday, and appearing to be wrote in the afternoon, was read, and is in the following words, vizt:

"*Peekskill, Novr. 26th*, 1776.

"SIR—The time to which the several regiments of General Scott's brigade stand engaged, expires on Saturday next, as does that of part of the garrison at forts Montgomery and Constitution, and Colonel Tache's regiment of militia from the State of New Hampshire, which is now at this post. I also expect that part of the other troops now here will be ordered to march southward. Should this be the case, a pass of vast importance, and now enhanced by the loss of Fort Lee, and the enemy having the entire possession of the river up to the forts, will, I think, be much exposed. I think it my duty, therefore, to give you this hint, that if His Excellency General Washington has not wrote to the Honble. Convention on the subject, such measures may be adopted as the Honourable Convention may think proper. I think that if the several regiments, whose time is nearly expired, could be prevailed upon to continue a little longer, it would greatly promote the service; but of this I despair, having been too often convinced that it is hard to persuade them.

"If any of the before mentioned troops have received arms, accoutrements or ammunitions from the State of New-York, I submit it to you whether it would not be expedient to appoint some person or persons to receive them from the soldiery.

"I have not received any thing lately from the southward either particular or interesting.

"I am, sir, with respect and esteem,
"Your most obt. and very hble. servt.
"W. HEATH.

"Honble. P. VAN CORTLANDT, Esqr."

Committed to Mr. Duane, to be answered with General Heath's other letters.

A letter from General Schuyler, dated the 19th instant, with respect to iron stove doors and latches, &c. was read.

Ordered, That Mr. Samuel Patrick be requested to have the latches and hinges for the doors of those stoves, made and forwarded with the stoves.

On motion of Mr. Duer,

Resolved, That the thanks of the Representatives of this State be given to Brigadier-General Scott, for his patriotic offer of continuing in service for the space of one month without any pay, in order to stop the ravages of a cruel enemy.

Resolved, That Brigadier-General Scott be authorized and requested to continue in service for the space of one month, and that he be entitled to the same appointments with the other brigadier-generals in the Continental service.

Resolved, That the thanks of the Representatives of this State be given to the officers and men of General Scott's regiment, for the spirit, alacrity and perseverance which they have exercised in the defence of their injured and invaded county.

Resolved, That the sum of fifteen hundred pounds be given as a gratuity unto the non-commissioned officers and privates enlisted in this State, who at present compose General Scott's brigade; and Genl. Scott and the officers of the New-York regiments in his brigade, are requested to dispose of the same in such a manner as they shall deem most equitable and advantageous to the public interest.

Resolved, That the Treasurer of this State transmit the said sum of fifteen hundred pounds to General Scott, taking his receipt for the same.

Mr. Jay dissenting to the granting and the order for the money.

Mr. Robert R. Livingston moved sundry resolutions relative to obstructing the navigation of Hudson's river, and engaging General Schuyler in that service.

Ordered, That Mr. Duane, Mr. R. R. Livingston, Mr. Jay, Mr. Platt and Mr. Robert Yates, be a committee to consider the proposed resolutions, and report thereon at 5 o'clock this afternoon.

5 *ho. P. M. November 27th*, 1776.

The Committee met pursuant to adjournment.

PRESENT—P. Van Cortlandt, Esqr. *V. Prest.*
Mr. Duascomb, Mr. Duane—*New-York.*
Major Lockwood—*Westchester.*
Mr. A. Yates, Mr. Adgate, Mr. Cuyler, Mr. R. Yates—*Albany.*
Mr. Newkirk, Mr. Moore—*Tryon.*
Mr. W. Smith, Mr. Miller—*Suffolk.*
Major Webster—*Charlotte.*
Mr. Cantine—*Ulster.*
R. R. Livingston, Esqr. Gil. Livingston—*Dutches.*
Col. Allison, Mr. Wisner—*Orange.*

A draft of a letter to Linde Lord, was read and approved of, and is in the following words:

"SIR—Your favour has been laid before the Convention and referred to a committee; but the operations of the enemy at this critical juncture calling for the utmost attention and exertions of this State, there is no probability that it can soon be reported or determined upon. We therefore have desired the express to return, assuring you that the first opportunity shall be embraced to give you a satisfactory answer.

"I am, sir, your mo. obt. servant.

"By order."

Ordered, That a copy be engrossed, signed by the President, and transmitted.

Mr. Duane, who was appointed for that purpose, reported a draft of a letter to Colonel Hardenbergh; which was read and approved of, and is in the following words:

"SIR—Your letter of the 23rd inst. has been laid before the Committee of Safety, who have desired me to direct you, that as soon as the militia shall be discharged or leave the service, you carefully secure all the arms in your battalion belonging to this State, and see them safely delivered at this place. Your are, for this purpose, to hire, and if not otherwise to be had, to impress boats, if practicable to bring them by water, otherwise carriages; the expense of which shall be defrayed by this State. I am further requested to direct you to give copies of this letter to the commanding officers of such of the battalions as have used any of the public arms belonging to this State; and also to forward a copy to General Scott. This is intended as a general direction to all the commanding officers of such regiments.

"I am, sir, your mo. hble. servant.

"By order.

"Col. JOHANNES HARDENBURGH."

An account of Ebenezer Dayton, for going express on the 12th and 13th days of October last, to recall Gerard Bancker, Esqr. when on his way to Philadelphia, was exhibited. He therein charges for hire of a fresh horse, ferriages, and extraordinary expense, 18*s*.

Ordered, That the Treasurer of this State pay to the said Ebenezer Dayton, on his receipt, for his time, services, and all his expenses and disbursements in the premises, the sum of three pounds.

A pay roll of the officers, non-commissioned officers and privates, of Capt. Jacob Rutsen D. Witt's company of rangers, from the 6th day of October to the 4th day of November, both days included, was laid before the Committee. On the face of the said roll is endorsed a certificate, in the words following, to wit:

"I do hereby certify on the oath I have taken before the committee of the county of Ulster, that the pay roll is just and true.

"J. R. D. WITT."

Thereon is also endorsed a certificate, in the words following:

"We, the subscribers, a committee this day appointed by the Committee of Safety to audit this pay roll, do hereby certify that we have examined the same, and allow the sum of £184 16*s*. 0*d*. to be paid to Jacob R. De Witt, therefor.

"MATHEW CANTINE,
"BENJN. NEWKIRK.

"*Novr. 26th*, 1776."

Ordered, That the Treasurer of this State pay to Capt. Andries Rutsen D. Witt, on his receipt, the sum of one hundred and eighty-four pounds sixteen shillings, in full for the pay of his company from the sixth day of October last to the fourth instant, both days included.

A pay roll, in lieu of rations of officers, non-commissioned officers and privates, belonging to Capt. Jacob Rutsen D. Witt's company of rangers, raised and embodied in the county of Ulster, from the 6th day of October last to the 4th day of November instant, both days included, was laid before the Committee. On the face of said roll is endorsed a certificate, in the words following, to wit:

"I do hereby certify on the oath I have taken before the chairman of the committee of the county of Ulster, that this subsistence roll is just and true.

"J. R. D. WITT.

"*Novr. 21st*, 1776."

Thereon is also endorsed a certificate in the words following:

"We, the subscribers, appointed by the Committee of Safety to audit the subsistence roll, do hereby certify that we have examined the same, and allow the sum of one hundred and thirty-five pounds sixteen shillings and two pence to be due to Capt. J. R. De Witt therefor.

"MATHEW CANTINE,
"BENJN. NEWKIRK.

"*Novr. 26th*, 1776."

Ordered, That the Treasurer of this State pay to Capt Jacob Rutsen D. Witt the sum of one hundred and thirty-five pounds sixteen shillings and two pence, in full for the subsistence of the said company of rangers, from the 6th

day of October last to the 4th day of November inst. both days included.

The committee to whom was committed the resolutions moved by R. R. Livingston this morning, relative to the obstructing the Hudson's river, reported the same, which were read, agreed to and approved of, and are in the words [following,] vizt:

WHEREAS this Committee did, on the 26th inst. resolve that the navigation of Hudson's river should be obstructed near Poleple's island, at the north entrance of the Highlands: AND WHEREAS the termination of the northern campaign hath probably given General Schuyler leisure to attend to other objects of public use and importance: AND WHEREAS from that gentleman's well known abilities and activity, as well as from the advantages resulting from his military command, there is the greatest reason to believe that the business of obstructing the navigation of the said river will be successfully carried on and completed under his direction:

Resolved, That a letter be immediately written to Major-General Schuyler, informing him of the survey that has been taken of Hudson's river at Poliple's island, and requesting him to take on himself the superintendence and direction of such works as he may think necessary, either there or elsewhere for the security of Hudson's river.

Ordered, That a copy be engrossed and sent to Genl. Schuyler.

Resolved, That a letter be written to the Honble. the Continental Congress, informing them of the measures that have been pursued for obstructing Hudson's river; suggesting the necessity of more effectually securing the posts and passes in the Highlands; employing the carpenters, who are now discharged from the shipping, in preparing fire ships and whatever else may be thought necessary for the defence of the river, and annoying the enemy on their passage up; and requesting that they will be pleased to put the management thereof under the direction of Major-Genl. Schuyler, whose abilities, knowledge of the country and military command will give him great advantages in the execution thereof.

Resolved, That a letter be written to His Excellency General Washington, enclosing the above resolves, and requesting his concurrence therein.

Resolved, That if the gentlemen appointed to confer with the Generals at Peekskill and North Castle shall not receive sufficient information with respect to the number of men to be stationed for the defence of the passes in the Highlands, that in that case he be instructed to write to His Excellency General Washington and obtain the necessary information from him.

An inventory of personal estate, late belonging to Thos. Barclay, of Ulster county, was produced to the Committee of Safety. The said Thomas Barclay having some months since gone over to the enemy on Nassau island, and the hay, forage and grain on the farm, late in his possession, (the said Thomas Barclay,) being necessary for the support of the American army;

Resolved and Ordered, That William Duer, Esqr. be and is hereby authorized to send proper persons to take all the hay, forage and grain on the said farm, except so much as may be necessary for the support of the family and stock to remain on the said farm, and have the same delivered for the use of the Continental army. That the said hay, forage and grain, before its removal, be valued and appraised by James Hunter, Dirck Roosa and James Howel, who are hereby appointed and authorized to appraise the same; that the price of the said hay, forage and grain, at its appraisement, be deposited in the treasury of this State, there to abide the future order of the Convention of Representatives or future Legislature of this State.

Resolved and Ordered further, That all the stock on the said farm, except so much as the commissioners hereafter named may judge necessary for the support of the overseer, his family and the slaves on the said farm, be sold at public auction, to the best advantage, by James Hunter, Dirck Roosa and James Howell, who are hereby appointed commissioners for that purpose, and directed to return to the said Representatives an inventory of their appraisement and account of sales. That the said commissioners give public notice, by advertisements dispersed in the most public manner, of the time and place of such sales; and take care that the moneys thence arising be deposited in the treasury of this State, there to abide the further order of the Convention of Representatives or future Legislature of this State.

Resolved and Ordered, That Fowler, the present overseer of the farm late in the possession of the said Thomas Barclay, continue to take care of the said hay, forage, grain and stock, until the removal and sale of the same, and continue his care and charge of the other property on the said farm until further order of the said Convention of Representatives, or future Legislature of this State.

A draft of a letter to General Scott, to enclose the resolutions respecting his brigade, passed this forenoon, was read and approved of, and is in the following words, vizt:

"SIR—I have the pleasure to forward the enclosed resolutions of Congress, which took place in consequence of your favour of the 26th instant, together with the fifteen hundred pounds voted as a gratuity for the non-commissioned officers and privates of your brigade.

"The State is highly sensible of their past services, and have no doubt but the same virtuous principles which called them forth into the service of their country, will animate them to persevere, with courage and fortitude, to the end of the campaign. I hope, sir, the honourable testimonial which they give of your zeal and patriotism, in this critical juncture, will prove acceptable.

"I am directed to add that frequent advices of the disposition of the enemy, and the events of the campaign, will be singularly useful, as they are necessary to regulate our councils.

"The obstructing Hudson's River, at Pollopel's island is this day concluded upon.

"I am, with great respect, sir,
"Your mo. obt. hble. servt.

"*P. S.* Be pleased to pass your receipt to the Treasurer for the £1,500, and return it by the express.

"*Fishkills, Novr. 27th*, 1776.
"To Brigadier-Genl. SCOTT."

A draft of a letter to General Heath, commanding at Peekskill, to enclose certain resolutions relative to a part of Bradley's regiment, was read and approved of, in the words following, that is to say:

"SIR—I have the honour to transmit you the enclosed resolution respecting a part of Colonel Bradley's regiment, who lately came to this place. Several of the members have taken the liberty to advise one of the lieutenants to repair to Peekskill, with such of his men as are fit for duty. I presume he will wait for a more formal command. We have directed a physician to take care of the sick until your directions are received. This small village is so much crowded that it is badly calculated for a hospital, and we fear the present mode of relieving the sick will be very expensive.

"I am, with great respect, sir,
"Yours, &c.

"General HEATH, Peekskill."

THURSDAY MORNING,
Nov. 28th, 1776.

The Committee met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, *Vice-Prest.*
Mr. Dunscomb, Mr. Roosevelt—*New-York.*
Mr. A. Yates, Mr. Adgate, Mr. R. Yates—*Albany.*
Mr. Miller, Mr. L'hommedieu, Mr. Wm. Smith—*Suffolk.*

Mr. Contine—*Ulster.*
Mr. Gil. Livingston—*Dutches.*
Colo. Allison, Mr. Wisner, Mr. Little—*Orange.*
Mr. Newkirk, Mr. Moore—*Tryon.*
Major Webster—*Charlotte.*
Col. Van Cartlandt—*Westchester.*

Mr. Duer produced the pay rolls of the Charlotte rangers to be paid; they are committed to Mr. Newkerk, Mr. Contine and Mr. Adgate, to audit and report on the same.

Mr. Moore produced the pay rolls of Tryon county rangers to be paid; they are committed to the same committee.

Mr. Robert Yates reported the draft of a letter to General Schuyler, which was read and approved of, and is in the following words:

"*Fishkill, Nov. 28th,* 1776.

"SIR—The measures pursued for obstructing Hudson's river have hitherto proved ineffectual, and the necessity of preventing the enemy's penetrating into the northern part of this State is obvious. The Committee of Safety have taken this matter into consideration, and entered into resolves, of which I have the honour of enclosing you a copy.

"They look up to you, sir, for the accomplishment of this work, sensible that your abilities and extensive command will enable you to devise a plan and direct such measures as will speedily effect it.

"General Geo. Clinton, who has this point much at heart, has made a survey of the river opposite Pollepel's island, with the soundings, at two different stations; a copy thereof I also herewith enclose you.

"I am, very respectfully, sir,
"Yours, &c.

"Major-Genl. SCHUYLER."

Mr. R. R. Livingston reported a draft of a letter to Genl. Washington, which was read and approved of, in the words following, vizt:

"*Fishkill, 28th Novr.* 1776.

"SIR—Agreeable to the directions of the Committee of Safety of this State, I do myself the honour to transmit the enclosed resolutions, and to request, if your Excellency should concur with them in sentiment, that you would, by uniting in, add weight to their application to the Honourable the Congress.

"The enemy have long manifested an intention to possess themselves of this State, to which indeed its central and commanding situation very naturally invites them. Past experience, with the blessings of heaven upon your Excellency's vigilance and skill, must ere now have convinced them that this is impracticable, unless by means of their navy, against which every motive concurs in inducing us to guard. Your Excellency will easily conceive the reasons which influenced the committee to wish that this business may be confided to General Schuyler, whose activity, aided by his knowledge of the country and its resources, together with the leisure afforded him by the retreat of the enemy from the northern frontier, give him many advantages over any gentleman in whom those circumstances do not so happily unite; they cannot therefore but hope that the whole of the enclosed resolves will meet with your Excellency's approbation.

"If unfortunately they should be deceived in this hope, they will, when your Excellency favours them with your sentiments thereon, endeavour to render them conformable to your wishes.

"I have the honour to be, &c.

"To His Excellency, Genl. WASHINGTON."

A muster roll of a part of Capt. John Wisner's company from Orange county in Colonel Nicoll's regiment, was produced to the Committee for payment of the bounty, and committed to Mr. Newkirk, Mr. Contine and Mr. Adgate, to audit and report thereon.

A pay list of men belonging to Colonel Nicoll's regiment, who had through sickness or otherwise been prevented from joining the regiment when mustered, was presented and committed to the same committee.

A pay roll of a detachment of the ninth regiment of Albany militia from the 5th to the 16th days of October last, while employed in *hunting tories* in Kinderhook and Kings districts, amounting to eighty-four pounds eleven shillings and sixpence halfpenny.

A billetting roll of the same detachment, amounting to eighteen pounds seven shillings and one penny, was also produced, and committed to the committee above mentioned.

Mr. Wisner from the committee appointed for securing the frigates, made the following report:

"Your committee to whom was referred the securing of the frigates at Poughkeepsie, report the following resolves to be served on Capts. Tudor and Lawrence respectively:

"1st. That they fit their respective ships, Congress and Montgomery, with all the despatch possible, with so much rigging as is necessary to remove them from Poughkeepsie:

"2nd. That they proceed up the river with the first fair wind after the ships are ready, as far as Roundout kill or creek, near Esopus Landing, where they are to be wintered, if after carefully sounding the depth of the water on the bar at the mouth of the creek, they find they can be safely carried in:

"3rd. If upon strict examination there is not found water enough safely to carry the said ships into the creek, then they are to proceed with all the despatch possible, (after taking on board the best pilots they can procure,) to Claverack dock, and there secure the ships in the best manner in their power:

"4th. That the quantity of lead in possession of the Convention of this State is so small, that there is none at present to be spared for any other use than musket ball.

"HENRY WISNER, *Chairman.*"

Resolved, That the Committee of Safety agrees with their committee in the said report, and that the same stand confirmed.

A letter from Elihu Marvin, chairman of Orange county, dated the 18th, was read, wherein he requests the direction of the Committee as to what they shall do with Cornelius Thorp and one Murrie, who have altered Congress money bills—one of whom, Thorp, is in jail at Goshen.

Ordered, That the consideration thereof be deferred.

Resolved, That the committee appointed to report the form of a constitution and government for this State, meet every afternoon at 4 o'clock.

DIE JOVIS, 4 *ho. P. M. November* 28*th,* 1776.

The Committee of Safety met.

PRESENT—Pierre Van Cortlandt, Esqr. *Vice-President.*
Mr. Duane, Mr. R. Harper, Mr. Dunscomb—*New-York.*
Mr. G. Livingston—*Dutches.*
Mr. A. Yates, Mr. Adgate, Mr. R. Yates, Mr. Cuyler—*Albany.*
Col. Van Cortlandt—*Westchester.*
Mr. Miller, Mr. W. Smith, Mr. L'hommedieu—*Suffolk.*
Col. Allison, Mr. Wisner, Mr. Little—*Orange.*
Mr. Contine—*Ulster.*
Mr. Newkirk, Mr. Moore—*Tryon.*
Major Webster—*Charlotte.*

The committee to whom was referred the muster roll of Captn. John Wisner's company, and the roll of other men belonging to different companies in Colonel Nicoll's regiment, who had not received their whole bounty, reported a stated account of the bounty of the whole regiment, with a certificate endorsed thereon, in the words following, to wit:

"Your committee, appointed this day to audit the several muster rolls of Colonel Isaac Nicoll, do certify, that the sum of one hundred and eight pounds is a balance due to the said Colonel Nicoll for the bounty of his regiment, agreeable to the within account.

"MATHEW CANTINE,
"MAT. ADGATE,
"BENJ. NEWKIRK.

"*November 28th*, 1776."

The said committee further reported, that the sum of forty-four pounds, part of a sum of sixteen hundred pounds advanced to the county committee of Orange county, to pay the first moiety of the bounty of that regiment, remains in the hands of the chairman and deputy chairman of the county committee of Orange county, or one of them, unappropriated, which, in the opinion of the committee, ought to be paid to Colo. Nicoll, as part of the money due to him for the balance of the bounty due to his regiment.

Ordered, That the Treasurer of this State pay to Colonel Nicoll the sum of sixty-four pounds, for the bounty of his regiment, taking Colonel Nicoll's receipt for the same. And,

Ordered, That the chairman and deputy chairman of the committee of Orange county, or one of them, pay to Colonel Isaac Nicoll the said sum of forty-four pounds, in full for the bounty due to his regiment.

Mr. Duane reported the draft of a letter to John Hancock, Esqr. President of the Continental Congress; which was read and approved of, in the words following, to wit:

"IN COMMITTEE OF SAFETY
for the State of New-York,
"*Fishkill, November 28th*, 1776.

"SIR—I have the honour to enclose you resolutions of the Committee of Safety, respecting the more effectual obstruction of Hudson's river. No object appears to them of more importance, when they consider either the safety of this State, the supply of the Continental army, or the preservation of the communication between the southern and eastern States. Experience has evinced, that if the navigation had been rendered impassible opposite to Fort Washington, it must have been attended with infinite advantage; among which even the security of the garrison and military stores at that fort, is not the most considerable. Indeed it is no presumption to suppose, that after the fruitless attempt of the British army to penetrate the country through the White Plains, they must have closed the campaign, at least in this quarter, with disappointment and disgrace. Their success in reducing the fort revived their spirits; and the evacuation of Fort Lee, in consequence of it, opened a passage for them into the defenceless parts of New-Jersey.

"In projecting the obstruction between Anthony's Nose on the eastern shore and Fort Montgomery, we endeavoured to avail ourselves of the model of that which had proved effectual in the River Delaware, and were assisted by the advice and experience of Capt. Hazelwood. But the great length of the chain, being upwards of 1,800 feet, the bulk of the logs which were necessary to support it, the immense weight of water which it accumulated, and the rapidity of the tide, have baffled all our efforts. It separated twice, after holding only a few hours, A.; and we have too much reason to despair of its ever fully answering the important purpose for which it was constructed. A like disappointment, we are informed, happened at Portsmouth: the chain intended to obstruct the navigation of that harbour, proved equally ineffectual.

"These considerations have induced us to explore the depth of the river throughout the Highlands, in which a committee of Convention have been assisted by General Geo. Clinton. The distance and depth of water at the north entrance, which on this experiment is found to be the fittest place, will be seen by the enclosed plan B. It is proposed, with the approbation of the Honourable Congress, to obstruct the navigation in this part by cassoons, which it is conceived will be very practicable. The Convention wish, on account of General Washington's distance from the place, and the multiplicity of business with which he is encumbered, that the direction of this work may be committed to Major-General Schuyler, who we believe every way qualified to insure its success. Timber and stones can be conveniently procured, and when the campaign terminates the troops cantoned in this part of the country may be employed in rotation to assist in the work. But no time is to be lost in preparing the materials, and we shall wait with anxiety for the determination of the Honourable Congress, on a subject which, in the opinion of the Committee, is of the utmost moment to the United States.

"If the enemy persevere in their plan of subjugating these States to the yoke of Great Britain, they must, in proportion to their knowledge of the country, be more and more convinced of the necessity of their becoming masters of Hudson's river, which will give them the entire command of the water communication with the Indian nations, effectually prevent all intercourse between the eastern and southern confederates, divide our strength and enfeeble every effort for our common preservation and security.

"That this was their original plan, and that General Carlton and General Howe flattered themselves with the delusive hopes of uniting their forces at Albany, every intelligence confirms; and it appears to the Committee that they will not give up this grand object, until they shall finally relinquish the project of enslaving America.

"The committee take the liberty to submit these reflections to the Honourable Congress. If they are well founded, an early and vigorous preparation to oppose the progress of the enemy in this quarter, must be indispensable, and the defence and security of Hudson's river a principal object of that preparation.

"We are informed that some merchants in the eastern States are pursuing the scheme of transporting flaxseed to France, to be shipped as is apprehended, from thence to Ireland. If it is necessary to make Great Britain feel the distresses of the war by obstructing the manufacture of linen, this project will demand the attention of Congress; and in the opinion of this Committee, nothing less than the entire prohibition of the exportation of flaxseed will afford an adequate remedy. Another very important advantage must arise from such a measure: it will encourage the linen manufactory in these States, to which of all others they are the most competent.

"However severe the sudden reverse of fortune which we have lately experienced; however melancholy the loss of our metropolis, sea coast and four of our counties, and the aspect of that part of our State which has been plundered and desolated by a retreating enemy, barbarous beyond all description; and however great the number of our ruined friends who are left naked and destitute in an inclement season, and a country without commerce or the means of affording them clothing; I have the satisfaction to assure you that the fortitude of this State, and their zeal for the glorious cause in which we are engaged, is not abated; on the contrary, we are prepared to meet even severer misfortunes with a spirit and firmness becoming the generous advocates for liberty. Unhappy am I to add, that amidst all our sufferings, the army employed for the protection of America, have not refrained from embittering even the calamities of war. At a time when the utmost resources of this State were laid open to their wants, and the members of Convention personally submitted to the labour and fatigue which were necessary on a sudden emergency; and after frequent losses of provisions and barracks, to supply too numerous armies augmented by the militia, with every article which they required, the court-house and the remains of the village at the White Plains, which had been spared on the retreat of our forces, were even after the enemy had in their turn retired, wantonly destroy-

ed without the orders, and to the infinite regret of our worthy General; besides, in spite of all his Excellency's efforts wherever our troops have marched or been stationed, they have done infinite damage to the possessions and farms, and pilfered the property of the people. I am directed, sir, to submit it to the Honourable Congress, whether some effectual remedy ought not to be provided against such disorderly and disgraceful proceedings. The soldier who plunders the country he is employed to protect, is no better than a robber, and ought to be treated accordingly. And a severe example ought, in the opinion of the Committee, to be made of the officer, who without any necessity or his General's permission, set fire to the court house and other buildings at the White Plains; he is guilty of the crime of arson, and if he cannot be punished by the articles of war, ought to be given up to the laws of the land. If so glaring a violation of every sentiment of humanity should be passed over in silence; if the army is not seasonably restrained from such acts of barbarity, the consequence must be fatal to the cause of a people whose exalted glory it is, to be advocates for the rights of mankind, against the tyranny and oppression of lawless power.

"The resolutions which the Committee of Safety have passed upon this subject are herewith transmitted.

"I have the honour to be, with great respect,

"Sir, your mo. ob. and very hbl. servant,

"By order,

"PIERRE VAN CORTLANDT,

"*Vice-President.*

"To the Honble JOHN HANCOCK,
"President of the Congress of the United States."

Mr. Duane produced the draft of a letter to Major-General Heath, which was read and approved of, in the words following, vizt.

"*P. M. Novr. 28th*, 1776.

"SIR,—The Convention of the State, impressed with a sense of your politeness and attention to them, have directed me in the strongest terms to return their thanks for your several favours, the intelligence communicated, the anxiety you express for the better security of this State and the success of our common cause, by obstructing Hudson's river, and preserving the important communication between the eastern and southern governments.

"We have taken into consideration the plan suggested by Brigadier-General Clinton for obstructing the river opposite to Pollepel's island, and conceiving it to be practicable, we are determined, with the permission of Congress, to proceed with the utmost vigor to carry it into effect. The assistance you so cheerfully promise, will be very essential, and we shall from time to time avail ourselves of it."

[Remainder of this letter not inserted in the minutes.]

DIE VENERIS, 9 HO. A. M.

29th Novr. 1776.

The Committee met pursuant to adjournment.

PRESENT—P. Van Cortlandt, Esqr. *Vice-President.*
Mr. Duane, Mr. Dunscomb, Mr. Jay—*New-York.*
Col. Van Cortlandt, Col. Drake—*Westchester.*
Mr. A. Yates, Mr. Adgate, Mr. R. Yates, Mr. Cuyler—*Albany.*
Major Webster, Mr. Duer—*Charlotte.*
Mr. Miller, Mr. W. Smith, Mr. L'hommedieu—*Suffolk.*
Mr. Moore, Mr. Newkirk, Mr. Harper—*Tryon.*
Mr. Contine—*Ulster.*
Mr. Wisner, Col. Allison, Mr. Little—*Orange.*
Mr. G. Livingston, Mr. Sacket—*Dutchess.*

On reading the letter of Isaac Paris, Esqr. chairman of the committee of Tryon county, dated the 13th inst. informing of the commitment of Capt. John Winn to Tryon county jail, on a charge of having killed one of his men by a push of the muzzle of his gun into his belly,

Resolved, That the committee of Tryon county have acted prudently, and as became guardians of the lives and liberties of their fellow citizens, in committing John Winn to confinement for trial.

Resolved, That the said Captain John Winn be continued in confinement until he shall be tried in a regular court of justice.

Resolved, That the committee of Tryon county be authorized and requested to appoint a jailer *pro tempore*, to take charge of the jail of Tryon county and prisoners therein, until further order of the Convention of the Representatives or future Legislature of this State.

Ordered, That a copy of the above resolutions be transmitted to Isaac Paris, Esqr. chairman of that committee.

A member informed the Committee that Captain James Stewart is attending at this place, and complains that he is without a commission, and that Colonel Malcolm alleges that he cannot pay him until he settles with Convention for the money he has received. Captain Stewart also desires to know whether he is to be continued in service.

Ordered, That the case of Captain James Stewart and his accounts be referred to Mr. Contine, Mr. Adgate and Mr. Newkirk, to report thereon, and that they report their opinion whether it is proper to continue him in service.

Mr. Adgate gave notice that he shall, to-morrow, move to have the resolutions passed on the and inst. appointing Mr. L'hommedieu, Colonel Allison and himself, a committee to take care of the poor, and giving them powers for that purpose, reconsidered.

The committee appointed yesterday to examine the payroll and the subsistence roll of a detachment of the militia of the ninth regiment of the militia of Albany, ordered to hunt for and apprehend tories in Kinderhook and Kings district, in the county of Albany, from the 5th to the 16th day of October, 1776, inclusive, delivered back the said two rolls, with an endorsement on each in the words following, vizt:

"Your committee, appointed to audit the within roll, do report that they are not furnished with any proper vouchers for the calling out said militia, therefore are of opinion they cannot properly audit said roll.

"*29th Novr.* 1776.

"BENJN. NEWKIRK,
"MAT. ADGATE,
"MATHEW CONTINE."

Ordered, That the said pay and subsistence rolls be returned.

DIE SABBATI, 10 HO. A. M.

Novr. 30th, 1776.

The Committee met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *V. Prest.*
Mr. Duane, Mr. Dunscomb, Mr. R. Harper, Col. Lott—*New-York.*
Col. G. Drake—*Westchester.*
Mr. A. Yates, Mr. R. Yates, Mr. Adgate, Mr. Cuyler—*Albany.*
Col. Allison, Mr. Little—*Orange.*
Mr. W. Smith, Mr. Miller, Mr. L'hommedieu—*Suffolk.*
Mr. Moore, Mr. W. Harper, Mr. Newkirk—*Tryon.*
Mr. Contine—*Ulster.*
Mr. G. Livingston—*Dutches.*
Mr. Duer, Major Webster—*Charlotte.*

Mr. L'hommedieu informed the Committee of Safety, that the gentlemen appointed with him to report on the invoice of goods purchased by Mr. E. Lott and Jno. R. Livingston, at Boston.

Mr. Gilbert Livingston, one of the secret committee, requested an order on the Treasurer for £2,000, to enable him to discharge sundry demands for money brought against the said committee.

Ordered, That the Treasurer of this State advance to Gilbert Livingston, Esqr. one of the members of the secret committee, the sum of two thousand pounds, towards defraying the expenses incurred by said committee, he to be

accountable to this Committee, or Convention of this State, for the same.

On motion of William Duer,

Ordered, That the secret committee do report the proceedings and expenditures of the said committee to this Committee, or the Convention of this State, on or before the 20th of December next.

A letter from Hugh Hughes, assistant quarter-master-general, relative to cattle which were drove up to the lines, with account of said stock enclosed, referred to Colonel Drake and Mr. Little.

A letter from A. Hawkes Hay to John McKesson, was read; therein is contained an account for provisions due to Edward W. Keirs, amounting to upwards of £400, and an account for liquors, amounting to upwards of £155.

Ordered, To be referred to a committee to audit and report thereon.

Robert R. Livingston informed the Committee that he had, agreeable to their request, conferred with Major-General Heath and Brigadier-General Clinton, on the subject of the resolutions of the 26th inst. That he had endeavoured, from the best evidence he could collect of the enemy's motions, to form some judgment of their intentions; that from this he was led to believe that they did not intend to make any attack on the Highlands, or at least, not upon any other than the passes on the post road which they might possibly attempt by landing their troops at Peekskill. That all their forces appear to be drawn from Westchester county; so that they do not probably intend to march up to the White Plains this season. That General Heath's division, including those of the forts in the Highlands, consists of about 2,000 men, without counting General Scott's brigade. That it is the opinion of the Generals, that considering the strength of the ground, this will be sufficient to repel the enemy and maintain the pass till they can be reinforced. That Mr. Livingston had reason to believe that General Lee had already crossed the river with his division to join General Washington; for which reason, he did not think it necessary to go to the Plains in one particular, as there was no apparent danger that the posts occupied by General Lee would be attacked; and he was able to obtain every necessary information from the General, with whom he conversed at Peekskill. That from them he collected, that after the removal of General Lee's division, there would remain under the command of General Spencer, about the White Plains and places adjacent, about 3,000 men; which with the works already erected and the natural strength of the ground, the Generals were of opinion were sufficient to maintain those passes. That they were also of opinion that the passes on the west side of the river were sufficiently secured. That they did not therefore think it necessary at present to call out the militia, but wished to have those of Ulster and Orange counties put under marching orders.

That as Mr. Livingston was apprehensive of the enemy's being able to cross Hudson's river with much more expedition than our army, he had inquired of the Generals what number of boats we were furnished with, and had the satisfaction to find that we had sufficient to transport one brigade at each trip.

Mr. Livingston further informed the Convention that he had conferred with Major-General Heath and Brigadier-General Clinton about obstructing Hudson's river at Pollepel's island, (at which conference Mr. Machier assisted;) that it appeared to them to be extremely practicable, and that he had the pleasure of assuring the Convention that both Generals seemed strongly impressed with a sense of the importance of that work but determined to give every assistance in their power to perfect the same, or rather to take it upon themselves, which His Excellency General Washington's orders on that head, (which General Heath was so obliging as to communicate to Mr. Livingston,) happily enabled them to do.

That in this conference it was determined that 500 men, under the command of Brigadier-Genl. Clinton, should this day march for Fort Constitution, in order to begin the work on Sunday morning, in case they can be provided with 300 axes by this Convention, all other tools having been furnished out of the Continental stores.

Mr. Livingston further informed the Convention, that having conferred with Mr. Mackin about the chain, he had reason to believe, that with proper alterations it might still be made very useful; that he had therefore taken the liberty to direct him to make the necessary alterations in the mode of fixing the same, and removing it to any situation where it can be most advantageously placed; of which measure, if the Convention approve, he begs some resolution to justify his proceedings therein.

That from the whole of the above conference, Mr. Livingston was of opinion that the following resolutions were necessary, which he therefore begs leave to recommend:

Resolved 1st, That Mr. Cuyler and Mr. Duer be authorized and requested to employ such and so many persons as they shall think fit, to purchase and collect 300 felling axes; and that they have power to impress the same where there is more than one in a family, paying the full value or offering to return the same on or before the first day of January next; and that they advance such sums of money as they shall think necessary for the purpose, which this Committee will repay; that the axes so obtained be delivered to General Geo. Clinton or his agent, taking a receipt therefor as so many axes delivered into the Continental store.

Resolved 2nd, That the persons so employed set out on this business immediately, and return all the axes they shall obtain this day to General Clinton or his agent, at New-Windsor, by 7 o'clock on Sunday morning, or as soon after as possible. That in order to compensate their extraordinary fatigue, one shilling will be paid to each agent for every axe by him delivered, over and above his wages and expense of carriage.

Resolved 3d, That John Teller, John Elmendorf, Jeremiah Clark and Nichs. Brewer, Junr. be appointed agents to collect within one week as many boats, scows and crafts as are fit for carrying stone; that they have power to hire or impress the same, ferry boats excepted, permitting the owner of every boat with sails to put one hand on board, if he shall choose it, and giving a receipt therefor, which receipt shall specify the hire agreed for; that the boats be delivered to General Clinton, or his agent, at New-Windsor, with all possible despatch; that on such delivery to General Clinton, they be respectively appraised by three respectable freeholders, and a similar receipt taken therefor by the persons delivering the same.

Resolved 4th, That Mr. Gilbert Livingston cause the spars and timber purchased by the secret committee to be immediately rafted to New-Windsor, and delivered to General Clinton, or his order, and that a receipt be taken therefor.

Resolved 5th, That Gilbert Livingston, Esqr. be empowered to cause three tons of iron of an inch and a half, and one inch and three quarters thick, being an equal quantity of each, or such other quantities and sizes as Genl. Clinton may direct, to be delivered as soon as possible at New-Windsor.

Resolved 6th, That Mr. Cuyler, Mr. Cantine and Colonel Allison be a committee to supply such other necessaries as Genl. Geo. Clinton may apply for, in order to perfect the obstructions of the navigation of Hudson's river; that they be empowered to draw on the treasury for a sum not exceeding £400, to defray the expense thereof.

Resolved 7th, That all the troops of this State who are not by the terms of their enlistment confined to particular counties, except those in the counties of Charlotte, Tryon, Cumberland and Gloucester, be ordered down to Fort Constitution, and be annexed to General George Clinton's brigade till the first day of January next, and that letters

be written to the chairman of the county committees where the troops are under their direction.

Resolved 8th, That the militia of Orange and Ulster counties hold themselves in readiness to march at a moment's warning to oppose the invasion of the enemy on the west side of Hudson's river; that Brigadier-Genl. Clinton issue orders accordingly, and that they march for that purpose on receiving the orders of Major-General Heath, provided such orders shall be given within one month.

Resolved and Ordered 9th, That a copy of the last preceding resolution be transmitted to Major-General Heath, and Brigadier-Generals Clinton and Scott.

Resolved 10th, That this Committee agree with Mr. Livingston in his report in the preceding resolutions, as amended.

Resolved 11th, That Mr. Machine be requested and authorized to alter and fix the chain intended for the obstruction of Hudson's river, in such manner, and at such place as he may think best calculated to answer the purpose for which it was intended, and that this Committee will advance the money necessary to defray the expense thereof.

Ordered 12th, That a copy of the preceding resolutions be transmitted to Major-General Heath and Brigadier-General Geo. Clinton.

Resolved 13th, That the draft of the letter to the Honourable Continental Congress agreed upon by the Committee, and directed to be despatched, be altered [to conform] to the proceeding report and resolutions, and that Mr. Duer be requested to prepare the alteration.

Resolved 14th, That a copy of the preceding resolutions be transmitted in a letter to Major-General Schuyler, and that he be requested to meet and consult with General Clinton on the plan for obstructing Hudson's river, near Pollepus island, and that Mr. Duane prepare a draft of the said letter.

A letter was received from General Scott, dated at Haverstraw on the 28th, representing the exposed situation of that part of the country, and the uncertainty of his being able to retain his brigade in service, a month longer, notwitstanding all his efforts. Whereupon,

Resolved, That a copy of such parts of General Scott's letter of the 28th, as relates to his present situation of his dread of that part of the country, be sent to General Heath, and that General Heath be requested to give such relief to General Scott, as the particular circumstances of that part of the country may require.

Mr. Duer pursuant to a resolution of this morning, reported certain alterations he had made in the draft of a letter to the Honble. the President of the Continental Congress, agreed to on the 28th inst. which were approved of, and by which the following was substituted instead of that part of said letter contained between the words "*defenceless parts of New-Jersey*," in conclusion of the first paragraph, and the words "*however severe the sudden reverse of fortune*," in beginning of the last paragraph, vizt: "In perfecting the obstruction between Anthony's Nose on the eastern shore and Fort Montgomery, we endeavoured to avail ourselves of the model of that which had proved effectual in the river Delaware, and were assisted by the advice and experience of Capt. Hazelwood, but the great length of the chain, being upwards of 1800 feet, the bulk of the logs which were necessary to support it, the immense weight of water which it accumulated, and the rapidity of the tide, have baffled all our efforts; it separated twice after holding only a few hours.

"*Mr. Mechin, the engineer at Fort Montgomery, is of opinion tha' with proper alterations it may still be of service in another part of the river, and we have, with General Heath's concurrence, directed him to make the trial.* But we have too much reason to despair of its ever fully answering the important purpose for which it was constructed. A like disappointment, we are informed, happened at Portsmouth; the chain intended to obstruct the navigation of that harbour, proving equally ineffectual. These considerations have induced us to explore the depth of the river throughout the Highlands, in which a committee of the Convention have been assisted by Gen. George Clinton. The distance and depth of water at the north entrance, which, on the experiment, is found to be the fittest place, will be seen by the enclosed plan. General Heath, on a conference with General Clinton, has been pleased to recommend the obstruction of the navigation in this part of the river by cassoons, and the Committee of Safety, after mature deliberation, conceiving it to be very practicable, have agreed to the further resolutions, which are herewith transmitted. They wish on account of General Washington's distance and the multiplicity of business with which he is encumbered, that the direction of this work may be committed to Major-General Schuyler, who we believe to be every way qualified to ensure its success. Timber and stones can be conveniently procured, and when the campaign terminates, the troops cantoned in this part of the country may be employed in rotation to assist in the work. If the enemy persevere in their plan of subjugating the States to the yoke of Great Britain, they must, in proportion to their knowledge of the country, be more and more convinced of the necessity of their becoming masters of Hudson's river, which will give them the entire command of the water communication with the Indian nations, effectually prevent all intercourse between the eastern and southern confederates, divide our strength and enfeeble every effort for our common preservation and security. That this was their original plan, and that General Carlton and Genl. Howe flattered themselves with the delusive hopes of uniting their forces at Albany, every intelligence confirms; and it appears to the committee that they will not give up this grand object until they shall finally relinquish the project of enslaving America.

"The committee take the liberty to submit these reflections to the Honourable Congress. If they are well founded, an early and vigorous preparation to oppose the progress of the enemy in this quarter must be indispensable, and the defence and security of Hudson's river a principal object of that preparation."

Ordered, That a copy of the said letter, as amended, be engrossed and signed by the President and transmitted.

SUNDAY, *P. M. December 1st*, 1776.

Mr. Duane, Mr. Dunscomb, Mr. Roosevelt, Colo. Lott—*New-York*.
Mr. A. Yates—*Albany*.
Mr. Moore, Mr. Miller, Mr. W. Smith, Mr. L'hommedieu, Col. Drake, Col. Van Cortlandt.

Mr. Duane presented the draft of a letter to Major-General Schuyler, which was read and approved of, and is in the words following, vizt:

"SIR—At a late conference between Mr. Livingston, one of our members, and the Generals Heath and Geo. Clinton, at Peekskill, the obstruction of Hudson's river near Poleopel's island, was determined upon, and the necessary preparations are making by impressing axes and boats and drawing together a number of men for carrying on the work with vigour and despatch.

"It is a favorite plan of Genl. Clinton's, who is for the present permitted to attend to its execution, and we wish it may be in your power at least to give him the advantage of your opinion and advice. The disappointment of two attempts to obstruct the river at Fort Washington and Fort Montgomery, increases our anxiety for the success of the present effort.

"It was discovered to our great satisfaction that General Heath's instructions from General Washington, which he willingly communicated at the conference, enabled him to proceed in this important work, at the Continental expense, without further authority from the Honourable Congress. We are very sensible they would cheerfully have concurred in every expedient for the security of Hudson's river, on which the safety of this State, the neutrality of the In-

dian nations and the communication between the southern and eastern confederates, absolutely depend; yet we foresaw that if their approbation had been essential, the preparations must have been suspended so long that the execution of the business might have become impracticable. I have the honour to transmit to you the resolutions of the Committee of Safety on this subject.

"And am, with great respect,
"Sir, your mo. obt. hble. servt.
"By order.

"Major Genl. SCHUYLER."

Ordered, That a copy be engrossed and signed by the President, and transmitted.

Mr. Duane reported the draft of a letter to Brigadier-General Scott, which was read and approved of in the words following, vizt:

"SIR—Your favor of the has been laid before the Committee of Safety. Upon a late conference between Mr. Livingston, who attended for that purpose, and Generals Heath and Clinton, at Peekskill, the obstruction of Hudson's river near Pollepol's island has been resolved upon, and the necessary preparations are making for carrying on the work with the utmost vigour and despatch. Orders are likewise given to the militia of Orange and Ulster counties to hold themselves in readiness at a moment's warning to oppose the invasion of the enemy on the west side of Hudson's river and to march on receiving notice from General Heath, it having been concluded at the conference that this measure was preferable and for the present sufficient.

"Your last despatches had not at this time come to hand. An extract on the subject of the reinforcement you think necessary, was therefore directed to be transmitted to Genl. Heath. Some of the Continental regiments which have been employed to the northward are now returning; they have still a month to serve, and may, if General Heath approves of it, be sent to support you without increasing the public expense, and distressing the State by moving the militia; but this is a measure out of our province.

"The Committee of Safety intended the £1,500 as a gratuity to your brigade, for their past services. They leave the disposal and distribution of it to your judgment, agreeable to their former resolutions.

"I am, sir, your mo. obt. servt.

"Brigadier-Genl. SCOTT."

A draft of a letter to be addressed to John Teller, John Elmendorf, Jeremiah Clark and Nicholas Brewer, Junr. appointed agents for collecting boats, scows and crafts by the third resolution passed yesterday for obstructing the navigation of Hudson's river, was read and approved of, in the following words, vizt:

"*Decr. 1st*, 1776.

"SIR—The necessity of obstructing the navigation of Hudson's river near Pollepel's island, having been resolved upon as an object of the utmost moment to the safety of this State, the enclosed resolutions have been adopted.

"The advanced season of the year requires that the preparations should be made with the utmost vigour; and from an opinion which the Committee of Safety entertain, of your activity and your zeal for the common cause in which we are engaged, they have unanimously appointed you to the trust mentioned in the said resolutions. They entertain no doubt but that you will execute it with fidelity, despatch and cheerfulness.

"I am, sir, your very obt. servant,
"By order."

MONDAY MORNING,
2nd Decr. 1776.

The Committee met.

PRESENT—Col. Van Cortlandt, *Vice-President*.
Col. Lott, Mr. Duane, Mr. Roosevelt, Mr. Dunscomb—*New-York*.
Mr. Webster—*Charlotte*.
Mr. A. Yates, Mr. Cuyler, Mr. Adgate—*Albany*.
Col. Allison, Mr. Little—*Orange*.
Mr. Smith, Mr. Miller, Mr. L'hommedieu—*Suffolk*.
Col. Van Cortlandt, Col. Drake—*Westchester*.
Mr. Contine—*Ulster*.
Mr. R. R. Livingston—*Dutches*.
Mr. Moore, Mr. Newkirk, Mr. Harper—*Tryon*.

A letter from Henry Wisner, Esqr. dated at Goshen, November 30th, 1776, relative to a drove of cattle for the use of the American army, was read and filed.

Ordered, That a letter be written to the person who has the charge of the said drove of cattle, directing him to apply for directions of the Commissary-General.

Ordered, That a committee be appointed to write to Colo. Trumbull, relative to salt, &c. and that Mr. Duane, Mr. R. R. Livingston and Mr. Cuyler be that committee.

A letter from William Miller, dated Harrison's Purchase, Novr. 28, 1776, relative to the records of the county, and requesting the advice of Convention relative to his conduct as an executor to an estate, was read and filed.

Ordered, To be referred to the same committee.

Mr. R. R. Livingston delivered in sundry accounts, which were put into his hands by Frederick Jay, Esqr. from the committee of Westchester county.

Ordered, That they be referred to Mr. Adgate, Mr. Contine and Mr. Newkirk.

An account of Major Abeel for sundry expenses incurred in apprehending sundry disaffected persons on Long island, by order of Philip Livingston and the other gentlemen of the committee appointed for that purpose in New-York.

Referred to Mr. Roosevelt and Mr. Dunscomb.

A certificate signed by Captain Abraham Swartwout at Fort Montgomery, November 9th, 1776, certifying that there is due to Ensign T. Finch, his enlisting money for ten men, enlisted for Capt. Swartwout's company.

Referred to the above committee.

A draft of a letter to Stephen Gilbert, the person who has charge of the cattle mentioned in Mr. Wisner's letter, received and read this day, was read and approved in the following words:

"COMMITTEE OF SAFETY,
"*Fishkill, Decr. 2nd*, 1776.

"SIR—Mr. Wisner informs the Committee of Safety that about 450 cattle purchased for the use of the Continental army, are now at Smith's clove under your care, and desires our opinion how they ought to be disposed of. We desire you to apply to the Commissary-General for his directions. We have not authority to interfere, and if we thought it advisable to have the cattle killed and put up, we have no salt. If the cattle are ordered to follow the army, your own prudence will suggest the necessity of using such caution as will prevent their falling into the hands of the enemy.

"I am, sir, your hble. servt.
"PIERRE VAN CORTLANDT, *V. Prest.*

"Mr. STEPHEN GILBERT."

Ordered, That the same be transmitted.

Colonel Drake delivered in the report of the committee relative to cattle, stock, &c. in Westchester county, which was read and recommitted, and Mr. Duane added to the committee.

The committee appointed to take into consideration the memorial of Capt. James Stewart, delivered in their report, which was read, and is in the words following, vizt:

"That on examining the muster and subsistence rolls of Capt. Stewart, to the time of his having joined Colonel Malcom's regiment on the 22nd of August last, as also what money was paid to the said Capt. Stewart, they find a balance of £31 2*s.* 0*d.* due to him for bounty and subsistence for his company; and that as Capt. Stewart has fully acounted for the money advanced to him by this State, he ought to receive his pay."

Resolved, That the Committee of Safety agree with their committee in the said report,

Ordered, That the Treasurer of this State pay to Captain James Stewart the sum of £31 2*s.* 0*d.* in full for bounty and subsistence due to his company, until it became a part of Colonel Malcom's regiment.

The committee to whom was referred the pay and subsistence rolls of Charlotte county rangers, deliverd in their report, which was read and agreed to, and is in the words following, that is to say:

"Your committee to whom was referred the pay and subsistence rolls of Charlotte county rangers, do report: On examining the said pay and subsistence rolls, we find that by the incorrectness in the original rolls, that are signed by the captains, they have been necessarily redrawn and corrected; and as the captains have not signed and attested said rolls, we give it as our opinion that the said pay and subsistence rolls be sent to the committee of Charlotte county, and that the form of the oaths as directed by this House be wrote on the back of each of the said rolls and signed by the captains, that thereby proper vouchers may appear to said rolls, and returned to this Convention. And whereas great difficulties may arise to said men for want of said pay, we give it as our opinion that the balance of four hundred and thirty-four pounds three shillings and five pence three farthings, due on said rolls, be sent to the chairman of the committee of the county of Charlotte, to be paid to said rangers with this particular resolution, that the officers before they receive any of said pay or subsistence money, first make and subscribe the oath wrote on the back of said pay and subsistence roll, and that a letter be written by the Secretary to the chairman of said committee, enclosing a copy of this report, together with said pay and subsistence roll.

"MAT. ADGATE,
"BENJN. NEWKIRK,
"MATHEW CONTINE."

Ordered, That the Treasurer pay to Major Alexr. Webster, the sum of four hundred and sixty-four pounds three shillings and 5¾*d.* to be transmitted to the committee of Charlotte county for the pay and subsistence of the rangers, taking a receipt of said Major Webster for the same, and that the said committee regulate themselves in paying the said money agreeable to the resolutions of the Convention of the Representatives of this State on the 23rd of July last, for raising, mustering and paying the said rangers, and the resolves and instructions of this committee of the 21st of October for the same purpose, and the resolutions of this committee of the 12th November; that the muster rolls be delivered on oath as therein directed by each commissioned officer of each company, making return before it is transmitted to Convention; and that they do not advance any part of this money for any rangers, but such as armed and accoutred agreeable to the said resolutions of the 23rd of July last.

A pay roll of Capt. Isaac Belknap's company of rangers, raised in Ulster county from the 10th day of October to the 8th day of November, 1776, both days included was delivered by the committee to whom it was referred. A certificate is thereon endorsed in the words following, to wit:

"I do hereby certify on the oath I have taken before the committee of the county of Ulster, that this pay roll is just and true.

"*Novr. 24th*, 1776.

"ISAAC BELKNAP."

"We, the subscribers a committee appointed by the Committee of Safety, to audit this pay roll, do certify that we have examined the same and allow the sum of £92 13*s.* 3*d.* to be due to Capt. Isaac Belknap therefor.

"*Decr. 2nd.* 1776.

"BENJ. NEWKIRK,
"MAT. ADGATE,
"MAT. CONTINE."

Ordered, That the Treasurer of this State pay to Capt. Isaac Belknap on his receipt, the sum of £92 13*s.* 3*d.* in full, for the pay of his company, from the 10th day of October to the 8th day of November, both days included.

A roll of subsistence or billeting of the officers, non-commissioned officers and privates of Capt. Belknap's said company, from the 10th day of October to the 8th of Novr. both days included, was also delivered in, certified and audited by the same gentlemen in a manner similar to the above mentioned pay roll; whereby it is certified that they allow the sum of fifty-four pounds seventeen shillings and six pence to be due to the said Isaac Belknap for the billeting of his company.

Ordered, That the Treasurer of this State pay to the said Capt. Isaac Belknap, on his receipt, the sum of fifty-four pounds seventeen shillings and six pence, in full, for the billeting and subsistence of his company from the 10th day of October to the 8th day of Novr. both days included.

A pay roll of a second lieutenant, two non-commissioned officers and eight privates, late part of Capt. Wm. Ludlum's company in Colonel Josiah Smith's regiment, was delivered to the Committee of Safety. Thereon is wrote an affidavit of Ephraim Marston, the said second lieutenant, sworn before the Vice-President, that the persons therein named are in such parts of this and the neighbouring States not in the possession of the enemy; that they served the time therein mentioned, to wit, one month and seven days. Thereon is also endorsed a certificate in the words, following, to wit:

"Your committee appointed by the Committee of Safety to audit this pay roll, having examined the same, do allow the sum of forty-four pounds twelve shillings and four pence due to Lieutenant Ephraim Marston and the persons therein mentioned.

"*December 2nd*, 1776.

"BEN. NEWKIRK,
"MAT. ADGATE,
"MAT. CONTINE."

Ordered, That the Treasurer of this State pay to Lieut. Ephraim Marston the sum of forty-four pounds twelve shillings and four pence in full for the wages due to himself and the other persons named in the said muster roll, taking Lieut. Marston's receipt for the same.

Ordered, That the Treasurer of this State pay to Major James Abeel the sum of twenty-five pounds and six pence, in full for his disbursements for subsisting sundry men under his command to Long island for the purpose of apprehending a number of disaffected persons by order of the committee appointed for that purpose, agreeable to an account delivered in and sworn to by Major Abeel.

The committee to whom was referred the account transmitted by Colo. Hay, delivered in their report, which was read and agreed to, and is as follows, to wit:

"Your committee to whom was referred the letter of A. Hawkes Hay, report, that they have examined the account which was therein enclosed from the precinct of Haverstraw, and find it unaccompanied by any vouchers, except one for £155 19*s.* 9*d.* for liquors. That by a certificate at the foot of the account, they find that A. Hawkes Hay, Esqr. has, in his possession, vouchers for every article therein charged. That as the account is for a very considerable sum, they are desirous of having the vouchers with it, and therefore are of opinion that the following letter be wrote to Mr. Hay, to wit:

"'Sir—The account which you enclosed to Mr. John McKesson from the precinct of Haverstraw for necessaries furnished the troops who guarded the shore in July and August last, has been laid before the Committee of Safety, but being unaccompanied by any receipts or vouchers, cannot well be audited. I therefore beg that you will send the several vouchers, which by a certificate at the

foot of the general account signed by you, I find are in your possession.

"'I am, &c.

"'A. HAWKES HAY, Esqr.'

"MAT. ADGATE,
"MAT. CONTINE,
"BEN. NEWKIRK."

Ordered, That the said letter be engrossed, and signed by the President, and transmitted.

Sundry resolutions relative to burning the court house at White Plains were read and agreed to, and are as follows:

WHEREAS this Committee have been informed that sundry of the inhabitants of this State have been unjustly plundered of their property by the troops of the Continental army; and that the public and private buildings at the White Plains, in the county of Westchester, have been wantonly and wickedly burned by, as this Convention are informed, an officer and a party under his command, without orders from his superior officer: Therefore,

Resolved, first, That the laws of the country are not suspended or superseded by the military code or the presence of the army.

Second, That in all cases where both the party offending and the party injured are not enlisted in the Continental army, that the offenders are amenable to the laws of the country.

Third, That by the laws of this State, the burning of dwelling houses is felony without the benefit of the clergy and punishable with death.

Fourth, That a letter be written to General Washington, requesting that the officer directing the burning of the court house and dwelling houses at the White Plains, be delivered to this Committee or the Convention of this State, in order to his being tried by the laws of the State, and if guilty, punished thereby.

Fifth, That the Honourable Continental Congress be informed of these resolutions and requested to make such alterations in the military law, as more effectually to prevent the robbery and plunder of the inhabitants of those States in which the armies are, and to General Washington, asking his concurrence in such request.

Sixth, That this State will make every sacrifice necessary for the safety of the general cause of America. At the same time, that they will use their utmost endeavours to repress any wanton or needless destruction of their country or violation of the rights of its inhabitants.

Ordered, That a copy be engrossed and transmitted to Congress, and that another copy be transmitted to General Washington; and that Mr. R. R. Livingston prepare and report a draft of a letter to General Washington to enclose the same.

A draft of a letter to Congress was read and approved.

Ordered, That a copy thereof be engrossed and transmitted.

The committee to whom was recommitted a letter from Mr. Hughes, assistant quarter-master-general in the Continental army, respecting a quantity of stock driven off by order of Genl. Lee, from the lower part of the county of Westchester, to prevent their falling into the hands of the enemy, have according to order brought the same into Convention, and do report the following resolutions.

Resolved, That the stock lately removed from the lower part of the county of Westchester to the pasture of Col. McDaniel in Bedford, be put under the direction of Major Jos. Strong and Joseph Young, who are authorized to notify in the most public manner the artificial marks of the said stock, and that such of them as belong to the good subjects of this State, will be delivered to the owners on a day to be prefixed in the said notice, and that the same shall be delivered accordingly. And that such parts of the said stock as belong to traitors to this State who have joined the enemy or fled, or are known to be inimical to the United States, or which shall not be claimed as aforesaid by the good subjects of this State, shall be disposed of to the best advantage, by the persons appointed to take the care thereof, who shall keep a regular account of the marks of the stock, and the price at which each head so sold, and transmit the account and money to be deposited in the treasury of this State, and be allowed a reasonable recompence for their trouble, provided that such parts of the said stock as shall be delivered to the owners in pursuance of this resolution, shall, if not immediately sold, be secured out of the reach of the enemy, and not returned to the place from whence they were removed by order of Genl. Lee.

Ordered, That a copy of the preceding resolution be immediately forwarded to Mr. Jos. Strong and Jos. Young.

Ordered, That two copies thereof be engrossed and one transmitted to each of the agents therein named.

A draft of a letter to General Washington, was read and approved, and is in the words following, to wit:

"SIR—Agreeable to the directions of the Committee of Safety, I do myself the honour to send your Excellency the enclosed resolutions, and to assure you that it is with extreme pain that they find themselves under the necessity of passing them. The singular wantonness and cruelty of the persons concerned in burning the public and private buildings at the White Plains, which even a barbarous enemy had left uninjured, has excited a general indignation, and made many careless about the event of our cause who may have reason to apprehend as great evils from the licentiousness of their friends, as from the hostilities of the enemy.

"Other complaints have been offered against the rapine of the soldiers, who are accused of plundering a people, who from the unavoidable miseries of war would, when most tenderly treated, be objects of compassion.

"The committee are too well satisfied of your Excellency's benevolence and justice to think that any thing of this kind which comes to your knowledge, will escape the punishment which you are empowered to inflict, but which unhappily is, in many cases, far short of what the crime merits. To this they impute the frequency of offences, and have therefore troubled your Excellency with the request that you will be pleased to concur with them in representing to the Honourable the Congress, the necessity of making it capital for any officer or soldier to pillage the inhabitants, or without your Excellency's command to ravage the country which they can with pleasure declare they have the highest reason to believe will never be given, but when the interest of the community should require it. To this they flatter themselves, their past resolutions have shown that they are not unwilling to venture every proper sacrifice—in the mean time, think it their duty to declare that the presence of the army does not supersede the laws of the country, and pray your Excellency's assistance in enabling them to execute them upon those who are immediately under your command.

"I have the honr. to be, &c.

"His Excellency Genl. WASHINGTON."

Ordered to be engrossed.

A letter from Genl. Scott, of the 30th Novr. was read and filed, wherein he states that from the returns, he finds the number of his brigade who are willing to continue in service for another month are too inconsiderable to be retained.

A letter from Major Lockwood, giving intelligence of the enemy in the Sound, was read and filed.

The Committee were informed that Colo. Lott is in advance a considerable sum, as one of the committee appointed to cause the poor to be removed from the city of New-York.

Ordered, That the Treasurer of this State, advance and pay to Colo. Lott, the sum of £100, on account of the moneys by him advanced in causing the poor inhabitants to be removed from the city of New-York, by order of the Convention of the Representatives of this State.

Adjourned till 10 o'clock to-morrow morning.

MONDAY, 4 *ho. P. M. Decr. 2nd*, 1776.

The Committee of Safety met on the summons of the Vice-President.

PRESENT—P. Van Cortlandt, *V. Prest.*
Mr. Harper—*New-York.*
Col. Van Cortlandt—*Westchester.*
Mr. A. Yates, Mr. Adgate—*Albany.*
Col. Allison, Mr. Little—*Orange.*
Mr. W. Smith, Mr. L'hommedieu, Mr. Miller—*Suffolk.*
Major Webster—*Charlotte.*
Mr. Contine—*Ulster.*
M. R. R. Livingston—*Dutches.*
Mr. Moore, Mr. Harper, Mr. Newkirk—*Tryon.*

Ordered, That the Treasurer of this State pay to Mr. Ben. Hinchman, on his receipt, 10 dollars, for his trouble and disbursements, and his time delayed as an express to Genl. Scott at Haverstraw, with a gratuity sent to be given to General Scott's brigade.

Mr. Robert Harper informed the Committee of Safety that the members of Convention appointed a committee to procure the clothing on hand belonging to this State, to be made up for soldiers' use, have disbursed some of their own money to pay poor women, tailors and others by them employed in that business, and in purchasing thread and other materials; that they are yet indebted for the like purposes, and will have daily occasion to make further expenditures, and therefore beg an order on the Treasurer for £400.

Ordered, That the Treasurer of this State pay to Mr. Robt. Harper, as one of the committee, on his receipt, the sum of £400, for the purpose of such expenditures in procuring clothing to be made for the Continental troops, for which sum the said committee shall account to the Convention or the Committee of Safety of this State.

DIE MARTIS, 10 HO. A. M.
Decr. 3rd, 1776.

PRESENT—P. Van Cortlandt, *Vice-Prest.*
Mr. Harper, Mr. Duane, Mr. Dunscomb, Mr. Rutgers, Genl. Scott—*New-York.*
Mr. A. Yates, Mr. Adgate, Mr. Cuyler—*Albany.*
Major Webster—*Charlotte.*
Mr. W. Smith, Mr. Miller, Mr. L'hommedieu—*Suffolk.*
Mr. Little. Col. Allison—*Orange.*
Mr. Contine—*Ulster.*
Mr. Moore, Mr. Harper, Mr. Newkirk—*Tryon.*
Col. Van Cortlandt, Genl. Morris—*Westchester.*

A letter from Colo. Isaac Nicoll, dated at Peekskill, on the first day of December instant, and directed to Colo. Pierre Van Cortlandt, was read. He therein informs that there is a considerable quantity of goods and household furniture in stores near Orange Town, belonging to Colo. William Bayard, and sundry other disaffected persons, who are now actually with the enemy. That there is a considerable amount of goods in and about the camp, and two horses, one yoke of oxen and cart belonging to Joshua Barnes, which goods were taken on their way to the enemy; that he could have them secured for the good of the State if directed.

Ordered, That Mr. Duane, Mr. Moore and Mr. R. R. Livingston, be a committee to consider of and report on the said letter, and to devise an ordinance for securing all estates and effects which are deserted by the owners, or which, though under the care of others, belong to the enemy, or who have absconded.

WHEREAS the Committee of Safety are informed that Mr. Joseph Young has declined the trust reposed in him by the resolution of yesterday, for disposing of the stock in Colo. McDaniel's pastures at Bedford:

Resolved, That Mr. William Miller be and is hereby appointed a commissioner in the place of the said Joseph Young, and that that part of the said resolution passed yesterday which directs advertising the artificial marks of the said stock be dispensed with.

A letter from Dr. John Bard, dated the 1st inst. was read. The Doctor therein mentions that as teams appear at present much wanted at the Fishkills, he has taken the liberty to offer his for the public service for a week, which he begs may be at his private expense.

A letter to Doctor Bard was thereupon drawn, agreed to and sent, in the words following, to wit:

"SIR—The Committee of Safety have received your polite letter and generous offer of the use of your team for the public without reward. Mr. Duer, who has the direction of the quarter-master's department, informs us that he will be able to procure a sufficient number of teams for the service. The Committee of Safety have therefore desired me to give orders that yours be immediately returned, and to assure you that they entertain a proper sense of your regard for your country in the critical situation of our public affairs.

"I am, with great respect, &c."

A letter from Francis Lewis, Esqr. one of the marine committee of Congress, dated the twenty-seventh ultimo, was read, and is as follows:

"GENTLEMEN—Upon the information given to the marine committee by Capt. Patrick Dennis, of the then state of the frigates built at Poughkeepsie, the said committee desired me to inform you that it was their opinion, those ships being launched should as soon as possible be sent up to Esopus creek, to be there laid up for the winter, as there appears at present no prospect of bringing them into service for this year. And it is their opinion that a lieutenant of marines be appointed, with orders given him to immediately enlist thirty marines to guard those frigates during winter, and that all such stores that are remaining, together with those belonging to such vessels as were ordered to be sunk in the North and East rivers, be also put under the care of said lieutenant of marines.

"That Capt. Dennis, who has at present the custody of all the rigging, &c. belonging to the vessels so sunk, be directed to deliver the same to said lieutenant, furnishing him with an inventory of the particulars; a copy thereof to be signed by the lieutenant, and transmitted to the marine committee, who apprehend the stores aforesaid will be this winter wanted by Genl. Schuyler.

"In regard to the destination of the frigates for the winter, if you see any likelihood of their being brought into use, they are submitted entirely to your direction. Upon your nominating the lieutenant, his commission will be sent up to you as you, are more immediately upon the spot. In regard to the frigates, the marine committee refers it to your judgment to direct what may be necessary to be done with them, and desires you would advise them thereof.

"I am respectfully, sirs,
"Your very hble. servt.
"F. LEWIS.

"*Phila. 27th Novr.* 1776."

A letter from Capt. Samuel Tudor, dated at Poughkeepsie on the 2nd instant, was received and read, and is in the words following, to wit:

"*Poughkeepsie, 2nd December*, 1776.

"GENTLEMEN—We have just received a letter from the marine committee, directing us in every matter to take your directions. We shall proceed with the ships as soon as wind will permit. When we leave the yard, there will be a quantity of plank, timber and stores left, which we beg your advice what to do with. We think it would be prudent to pile up the plank and timber, and lock the stores up in the shops. It may likewise be prudent to have a man to take care of them. It has been hinted to us that you intend building floating batteries; if so, we conceive our

carpenters (the bulk we have just discharged) would be very useful to you, and may now engage, though some are daily going away; the sooner you let us know whether you want them the better.

"We are, gentlemen, your very hble. servts.
"SAML. TUDER."

Ordered, That Mr. William Smith, Mr. Rutgers and Mr. R. R. Livingston, be a committee to consider of the said letter of Francis Lewis, Esqr. and Capt. Samuel Tudor, and report thereon with all convenient speed.

A letter from General George Clinton, dated the first inst. was received and read, and is as follows:

"*Fort Constitution, 1st December*, 1776.

"SIR—I arrived here yesterday evening with two regiments, consisting of about five hundred men, destined for garrisoning this fort, and obstructing the navigation of the river near Polopin's island, agreeable to the resolve of the Convention. I immediately sent off the engineer with about one hundred men to get timber for the purpose, but I am so unfortunate as not to have axes for the tenth part of the number, though I have used my best endeavours to procure as many as I possibly could. Axes therefore, three or four light anchors and cables, drag ropes, screws, scows and other boats for collecting of stores, I must beg the Convention will endeavour to supply me with as quick as possible. The business otherwise must in a great measure stand still; I have smiths employed making axes, and I shall make them work day and night to replace those you may supply me with; and when General Lee's division passes the river, and they are now at Peckskill, we shall be able to get a number of boats from that quarter, but for the present we must be supplied by Convention, if possible. I have about 40 artificers, which are as many as can be well employed, and being furnished with the above articles only, I hope I shall be able to carry on the work without troubling your Honourable House in some time for any other supplies.

"Capt. Bedlow has hitherto acted here as a commissary of stores, and Mr. Lawrence as clerk of the check, and as there are no other persons appointed to take charge of the stores, tools, &c. or keep the accounts which will be necessarily multiplied by this new business, I am of opinion it will be best to continue them. I am sure if they do their duty, as I don't doubt they will, they will save ten times more than their wages; especially as it will be out of my power to do my own duty and attend particularly to that part of the business.

"There are three or four artificers who have been for some time past employed here, (though not belonging to the army;) and as I am informed they are industrious, active men, I would wish to continue them, as I believe it will be an advantage; but I shall not engage any of them to remain in the service till I can have the advice of Convention.

"The bearer, Capt. Bedlow, who will wait your answer and bring down such of the wanted articles as you can furnish us with, will inform you of the scandalous manner some of the militia left this place, without returning the ammunition or other public stores they had been furnished with.

"Mr. Livingston gave me reason to hope I should have three companies of rangers join me; I wish to have them, as we shall want all the aid Convention can give us, and I have a strong desire to work those gentry a little. If they should object against going out of their county, as I have heard they do, I'll fix them in it. They will be equally convenient to the work.

"I am with due respect,
"Your mo. obt. servt.
"GEO. CLINTON.

"To the Honble. the Prest.
of the Convention, of the State of New-York."

Ordered, That this letter be committed to Colo. Allison, Mr. Cuyler and Mr. Contine, the committee appointed to furnish such necessaries as General Clinton may have occasion for in the obstructing the navigation of Hudson's river.

A petition of Phœbe Oakley, was read, and is in the words following, that is to say:

"*To the Honourable the Representatives of the State of New-York, in Convention assembled.*

"The petition of Phœbe Oakley, of the Borough town of Westchester, in the county of Westchester and State of New-York,

"HUMBLY SHEWETH:

"That your petitioner, to avoid the depredations of a cruel enemy who had then landed at Frogs neck, sent divers of her effects to her brother-in-law Talman Pugsley's, at the manor of Phillipse. That your petitioner hath been inhumanly robbed and plundered of all her said effects by Capt. Ford and his company of Colo. Brewer's regiment. That your petitioner hath not as yet been able to recover any of her effects: for the particulars of which, and the manner in which the same were taken from her and divided among the plunderers, your petitioner begs leave to refer to the affidavits subjoined to this petition.

"That your petitioner hath been informed that such base and unmanly ravages are not countenanced by the regulations prescribed for the government of the American army, but on the contrary hath been advised that the Generals of the said army will, on application, deliver to the civil authority of this State, all such persons as wantonly trespass against the laws thereof, and particularly in the cases of theft, robbery and other felonies.

"Wherefore your petitioner humbly prays that this Convention, who are and ought to be the guardians of the rights of the people of this State, will be pleased to assert the same by taking cognizance of the crimes committed by Capt. Ford against your petitioner, and extending to him the laws for such cases provided. And further that application may be made to the Honourable the General Congress for a resolution to compel Captain Ford and his company to make restitution to the many unhappy sufferers whom they have basely stripped and pilfered. And your petitioner shall ever pray.

"PHEBE OAKLEY."

"*Dutches County, ss.*—Phebe Oakley of the Borough town of Westchester, in the county of Westchester, single woman, of full age, being sworn on the Holy Evangelist of Almighty God, deposeth and saith, that on the day the enemy took possession of Frogs neck, she sent a trunk covered with seal skin, and filled with linen and cloths, and some writings of great value, to her brother-in-law Talman Pugley's, on the manor of Philipse, in order that the same might be out of the way of the enemy; and that together with the said trunk, she also sent to the same place five feather beds and bedding, one looking glass, one copper coffee kettle with lamp and stand, two muffs in cases, a long blue cloth cloak, one pair of brass knobbed andirons, one painted and one woollen floor cloth, one copper tea kettle, two pewter dishes and one dozen of plates, a whole set of tea china, and a small red trunk belonging to Capt. John Berrian, two large willow baskets with a variety of articles and clothing in them, and a pair of boots almost new, a pair of brass candlesticks and some books. That she remembers there were in the said trunk ten yards of pea green taffeta, a light brown mantua gown, a plain satin cloak, a light blue silk quilt, a dark chintz gown, a blue copper plate gown, a chintz frock for a child, one calico bed quilt, 50 yards of new linen, furniture for one bed of blue and white calico, furniture for one bed of white diaper, furniture for one bed of very dark blue and white calico, furniture for another bed of white diaper, furniture for one bed of white cotton and linen, nine diaper table cloths of different figures, one dozen of diaper napkins, ten homespun and bought linen shifts, one dozen of homespun and bought linen shirts, half a

dozen of muslin sacks, ten pair of linen sheets and ten pair of pillow cases, a striped silk and cotton jacket, three pair of white drilling breeches, one red morocco pocket book, one white satin hat, one dozen pair of linen and cotton stockings, a half a dozen linen and cotton stockings in another parcel, besides a number of caps, handkerchiefs, aprons and children's clothing, the particulars of which she cannot remember; that in the said trunk were books of accounts, bonds, notes, receipts and title deeds belonging to her father, the late Alderman Oakley's estate. That this deponent continued at the borough town of Westchester, with her brother's widow, till the enemy had evacuated that place. That then the deponent went to the manor of Phillipse in quest of her trunk and other effects sent there as aforesaid; that on coming there she was informed by her said brother-in-law Talmon Pugsley, that he had received the said trunk and other things sent to him as aforesaid, but that while he was gone from home with some of his effects, and before he could return for another load his house was plundered as he was informed, and believed to be true, by Capt. Ford and his company of Colonel Brewer's regiment of the Massachusetts in the American army, and that this deponent's effects aforesaid had been carried away by them; that her said brother-in-law, further told her he had applied to Captain Ford for restitution of the said effects; that Capt. Ford confessed that he had some of them, but would not deliver them up or let him see them; that thereupon this deponent applied to General Heath who behaved to her as a gentleman and man of honor; that the General told her that he would put him under arrest; that this deponent has never received any of the said effects, but has heard that part of them were sold, and Captain Pollard told her he was informed that Capt. Ford had sent off two or three men to Connecticut with plunder; and further this deponent saith not.

"PHEBE OAKLEY.

"Sworn the 2nd December, 1776, before me.

"PIERRE VAN CORTLANDT, *V. Prest.*"

"*Dutches County, ss.*—Tolmon Pugsley of the manor of Philipse, yeoman, in the aforesaid affidavit mentioned, of full age, being duly sworn on the Holy Evangelist of Almighty God, deposeth and saith, that he received the trunk and other effects mentioned in the said affidavit, to have been sent to his house by his sister-in-law, Phebe Oakley. That on the day the battle was fought at Chatterton hill at the White Plains, this deponent began to remove his effects to the house of his father, who lived about six miles to the northward of him; that he arrived at his father's in the evening of the said day with a load of goods; that he stayed all night at his father's; that the next morning he returned home with intent to remove the rest of his effects, but to his surprise was informed by his neighbors that his house had in his absence been plundered by Capt. Ford and his company, who were encamped in the neighbourhood; that the deponent went in pursuit of the said effects, but hath never been able to recover any of them; that on his application to Capt. Ford for the said effects, Capt. Ford said he had some things, but did not believe they belonged to this deponent; that the deponent then described a suit of curtains, bed quilt and other articles, and desired Capt. Ford to examine with this deponent the things he confessed he had, to see if they were not among them; that Capt. Ford replied he would not show this deponent where the said goods were or what they were, and gave this deponent a great deal of very abusive language; and further this deponent saith not.

"TOLMON PUGSLEY.

"Sworn the 2nd day of Decr. 1776, before me.

"PIERRE VAN CORTLANDT, *V. President.*"

"*Dutches County, ss.*—Ebenezer Burrill of Lynn, in the county of Essex, in the State of Massachusetts Bay, a private in Capt. Pollard's company of Colonel Brewer's regiment of artificers, of full age, being sworn on the Holy Evangelist of Almighty God, deposeth and saith, that the day after the fight at Chatterton hill at the White Plains, this deponent was at Young's tavern on the manor of Philipse, where he was taking care of some carpenters' tools by order of his captain; that this deponent went the said day from thence in company with one Besset, of Capt. Ford's company, to his captain's quarters, for further orders respecting the said tools; that in his way thither he passed by an encampment which the said Bossel told this deponent was Capt. Ford's company, and at which the said Bossel stopped; and this deponent further saith that on his return from his captain's he stopped at the said encampment to inquire for the said Bassel, who had promised to return with this deponent if he would call for him; that on inquiring for him this deponent was informed that Bassel had gone on; that while this deponent was in the said encampment he saw several men whom he knew to be of Capt. Ford's company, from which circumstances and from what Bassel had as aforesaid told him, he has no doubt but that the said encampment, was the encampment of Captain Ford's company; that while he was in the said encampment he saw a number of men dividing divers articles of clothing and household furniture, some of which were hanging on the bushes near their tents, and others spread on the ground; that while they were making the division he heard one of the men say 'Captain Ford must have an equal share'; that another answered 'Capt. Ford has had a number of little notions already;' to which the first replied 'never mind that, he has used us well and he ought to have an equal share if he has got a few little things;' that among the said goods this deponent well remembers to have seen a piece of green silk, a light cloth colored silk woman's gown, two pair of white drilling men's breeches and sundry sheets, pillow cases, table cloths, shifts, shirts and a variety of other articles; and further this deponent saith not.

"EBENEZER BURRILL.

"Sworn the 2nd day of Decr. 1776, before me.

"PIERRE VAN CORTLANDT, *V. Prest.*"

On reading the said petition and affidavits,

Resolved, That it is the duty of this Committee to take proper means for bringing the said Capt. Ford to justice. And the Committee being informed that he is now under arrest at Peekskill, for the crime specified in the said petition and affidavits:

Resolved, That a copy of the said petition and affidavits, and these resolutions, be transmitted to His Excellency Genl. Washington, with a letter, requesting that the said Ford be detained, to be tried for his said offences in a due course of law.

Resolved, That another letter be written to Major-General Heath, requesting him to detain the said Ford in custody, till an answer to the above application can be received from Genl. Washington.

Resolved, That Mr. Duane, Mr. Moore and Mr. R. R. Livingston, be a committee to prepare drafts of said letters.

Mr. Duane from the above mentioned committee, produced the draft of a letter to General Heath, which being read and approved, is in the words following:

"SIR—A petition, supported by a number of affidavits, was this day presented to the Committee of Safety, complaining of depredations committed by Captain Ford and his company, belonging to Colonel Brewer's regiment, of the Massachusetts Bay, and requesting the interposition of the civil authority. You, sir, have, we presume, but too much evidence before you, of the rapacity of our troops, who seem to have conspired with a cruel enemy in increasing the misfortunes of those who have unhappily fallen victims to the calamities of war.

"From your known humanity and benevolence, you

cannot but resent ravages which disgrace the arms taken up in the most virtuous of all causes with abhorrence.

"Called upon by numberless complaints of the suffering inhabitants of this State, it has become our duty to see that at least some of the principal offenders be brought to justice; that a stop may be put to such pernicious excesses for the future; and the Committee of Safety have accordingly passed suitable resolutions, which will be transmitted to His Excellency General Washington, with a request that Capt. Ford be delivered up, in order to answer for his misconduct in a court of justice.

"In the mean time, I am directed to request you to detain Capt. Ford in custody, and to give orders for securing such of the plundered effects as may still be found.

"I have the honour to be,
"With great respect and esteem, sir,
"Your mo. obt. servt.
"By order.

"To the Honble. Major-General HEATH."

Ordered, That a copy of the said letter be engrossed, and signed by the President, and transmitted.

Ordered, That Mr. L'hommedieu be requested to draft a letter to Colonel Henry B. Livingston, desiring him to transmit an account of the families, stock and effects by him removed from Long island, and the manner in which they are disposed of.

Mr. L'hommedieu according to order reported a draft of the said letter, which was read and approved of, and is in the words following, to wit:

"SIR—The Committee of Safety have received accounts from different towns in Connecticut, with their demands, for transporting stock and effects from Long island. Some are sent in by private persons as employed by you for that purpose. I am directed to desire you to send me as particular an account as you can of the stock and other effects you have brought off Long island, with the number of cattle, sheep and other stock, the names of the persons to whom they belonged, and in what manner the same was disposed of, and to whom; with such vouchers for the same as you have taken. You will likewise inform us of the number of families brought off by your order, with the names of the heads of each family, as far as it is in your power, with any other particulars you may think necessary, respecting the transportation and disposing of the same.

"I am, respectfully, sir, &c.

"To Col. H. B. LIVINGSTON."

Ordered, That a copy thereof be engrossed, and signed by the Vice-President, and transmitted.

A letter from Brigadier-General James Clinton, recommending Capt. I. Rosekrans to be continued in service, and provided for in the new arrangement of the Continental battalions raising in this State, was read.

Ordered, That it be referred to the committee of arrangement.

A letter from Benjamin Birdsall, Esqr. dated the 26th inst. respecting his former services, and an appointment in the army, was received and read.

Ordered, That it be referred to the Deputies of Suffolk county and to Mr. Abm. Yates, to report thereon.

A letter from John Gibson, Esq. Auditor-General, dated at Philadelphia, the 21st November last, requesting that the public accounts of this State may be sent to commissioners, was read, and is as follows:

"TREASURY OFFICE,
"*Philadelphia, Novr. 21st*, 1776.

"HONOURABLE GENTLEMEN—

"The commissioners for adjusting the accounts of the army at New-York and the Jerseys, under the command of General Washington, are now engaged in executing that business, and are in immediate want of all the accounts of advances made by the several States for paying or subsisting the said army.

"I am therefore to request you to order an account of such advances by your State to be forthwith transmitted to the commissioners, that the proper stoppages may be made, and the State reimbursed accordingly.

When the accounts are prepared, you will please to order them to William Denning, Thomas Smith and James Stephenson, Esqrs. or either of them, at Head-Quarters at New-York or the Jerseys.

"I have the honour to be, in the name of the superintendents of the treasury, honourable gentlemen,

"Your mo. obt. hble. servt.
"JOHN GIBSON, *Auditor-General.*

"To the Honourable the Convention
of the State of New-York."

A letter from the same Auditor-General, some time since received, dated the 31st October, and directing the public accounts in the northern department to be laid before commissioners at Albany, was read, and follows, to wit:

"TREASURY OFFICE,
"*Philadelphia, 31st Octr.* 1776.

"HONOURABLE GENTLEMEN—

"As commissioners have been appointed to liquidate and adjust the public accounts in the northern department, and are now assembled at Albany for that purpose, it is necessary that they should be furnished by each State with an account of the several advances and payments to the officers and others who have been entrusted with public money, to enable them to settle the accounts. We have therefore to request you would be pleased, as soon as possible, to order an account of such advances as your State may have made, the settlement of which may properly fall within the northern department, to be drawn out, and forward them to the commissioners by express, in order that, the proper stoppages being made, your State may be reimbursed by Congress. The names of the commissioners are James Hillegan, John Carter and John Wells, Esqrs.

"I have the honour to be, in the name of the superintendents of the treasury, honourable gentlemen,

"Your most obt. humble servant,
"JOHN GIBSON, *Auditor-General.*

"To the Honourable the Convention
of New-York."

Ordered, That General Scott and Mr. Duane be a committee to take into consideration the two last preceding letters, and report thereon.

"The committee to whom was referred the letter of Mr. John R. Livingston respecting goods purchased by him in Boston for this State, and also the arms brought from Long island, report that those goods are much wanted for the use of the soldiers to be raised in this State, and that it is necessary they be brought here from Boston with all convenient speed; for which purpose your committee recommend that James Weeks be appointed to go to Boston and receive Mr. Livingston's order on Mr. for those goods; and that the sum of one hundred pounds be delivered to him by the Treasurer of this State, that he may be enabled to bring or hire teams for the transportation of those goods in the cheapest and best manner.

"As to the arms brought from Long island to Connecticut by Colo. Livingston, your committee are informed that Mr. L'hommedieu will soon go into Connecticut, and take such measures respecting the same as the Committee of Safety direct."

Whereupon it was

Resolved and Ordered, That the Treasurer of this State pay to Jacob Cuyler, Ezra L'hommedieu and John Moore, Esquires, the sum of one hundred pounds, on account, for the purpose of transporting the goods lately purchased by John R. Livingston, Esqr. at Boston, on account of this State, to this place, and for the purpose of transporting the arms belonging to the inhabitants of Nassau island and brought into Connecticut by Colonel Livingston, to this place.

General Scott represented to the Committee of Safety,

that his brigade was disbanded except about one hundred and fifty men, who it is probable will continue in service fourteen days, under the command of Colonel Malcom. That the sum of fifteen hundred pounds put into his hands as a gratuity for the non-commissioned officers and privates of the said brigade, has not been distributed.

Resolved, That the sum of six hundred dollars of that money be by General Scott transmitted in such manner that it may be delivered to Colonel Malcom. And Colo. Malcom is hereby directed and authorized to pay to each non-commissioned officer and private, who shall so continue fourteen days in service under his command, four dollars as a gratuity for their past services, and as a testimony of the esteem this Committee entertains of their zeal and spirit in the service of their invaded and distressed country; and in case any greater number than one hundred and fifty non-commissioned officers and privates shall so continue in service with Colo. Malcom,

Resolved, That he be and is hereby requested to advance a gratuity of four dollars to each of them, for which he shall be reimbursed by the Representatives from the treasury of this State.

On considering the letter from the chairman of the committee of Orange county, relative to Cornelius Thorp, confined in Orange county jail for having altered and passed Continental bills of credit for true bills,

Resolved, That all persons who are or shall be charged with altering or counterfeiting the bills of credit of the United States, or of this or any other of the United States, or of passing the same knowing them to be counterfeit or altered, or with any other criminal offence, be confined in jail or secured, according to the nature of the offence, in order to take their trials in a due course of law. And that the committees of the several counties of this State be authorized to take effectual means for that purpose, and to appoint jailers in the several counties which they represent in committee, and where they shall find it necessary, upon whose fidelity they can rely. And further, that such criminals and offenders be apprehended and maintained at the charge of the county where the fact shall have been committed, as heretofore accustomed.

DIE MERCURII, 10 HO. A. M.

Decr. 4th, 1776.

PRESENT—Col. Pierre Van Cortlandt, *Vice-Prest.*

Mr. Robt. Harper, Mr. Dunscomb, Mr. Roosevelt, Genl. Scott, Mr. Duane—*New-York.*

Mr. A. Yates, Mr. Cuyler, Mr. Adgate—*Albany.*

Mr. Moore, Mr. Harper, Mr. Newkirk—*Tryon.*

Mr. W. Smith, Mr. L'hommedieu, Mr. Miller—*Suffolk.*

Col. Allison, Mr. Little—*Orange.*

Major Webster, Col. Williams, Mr. Duer—*Charlotte.*

Col. Van Cortlandt—*Westchester.*

Resolved, That the sum of one hundred pounds which the Treasurer of this State did, on the fourteenth day of August last, advance to Capt. James Stewart, to enable him to disburse bounty money for enlisting his company, and which one hundred pounds, by the resolutions of this Convention of the twenty-sixth day of July last, the said James Stewart was then entitled to receive of the chairman of the committee of Albany, be, by the said Treasurer, placed to the debit of this State, on the said fourteenth of August or at any time since.

The Committee of the Representatives of this State, who examined and reported on Capt. Stewart's muster and pay rolls, having credited in his accounts for pay and subsistence of his company, the said sum of one hundred pounds, and thereby fully paid and indemnified this State for the same.

A pay roll of Captain Nathaniel Scribner's company, raised and embodied in Dutches county, agreeable to a resolution of the Committee of Safety of this State, of the ninth of October last; the said pay roll stating the pay of the individuals of the said company from the respective times of their enlistment to the first day of December inclusive, was exhibited for payment.

A billeting roll of the individuals of the said company, agreeable to the said resolutions of the ninth day of October last, was also exhibited for payment.

Ordered, That Mr. Contine, Mr. Adgate, Mr. Newkirk and Major Webster be a committee to examine the said two rolls, and that they, or a major part of them, report thereon.

A muster roll of a company in the second battalion of Continental troops raised in this State in Anno 1775, and whereof George White was captain, was exhibited to the Committee of Safety to entitle Capt. White and his officers to the reward allowed by the Provincial Congress in that year to the officers for the men by them enlisted in the service.

Ordered, That the said muster roll be referred to the committee last above mentioned, to report thereon.

The committee to whom was referred the letter from Francis Lewis, Esqr. of the 27th of November last, and also the letter from Captain Samuel Tuder of the 2nd inst. reported certain resolutions, which being read by paragraphs, were amended and adopted, vizt:

Resolved, That Mr. Victor Bicker, Junr. be nominated lieutenant of marines for the ship Congress, and directed to enlist thirty marines for the ship Congress for the same term as the other Continental troops, whose duty it shall be during this winter to guard the ships Congress and Montgomery, and such other vessels and stores belonging to the Continent as may be laid up with them. That they be allowed the Continental bounty, pay and rations.

That Capt. Patrick Dennis be furnished with a copy of the letter from Francis Lewis, Esqr. to the Honourable the Convention, and be requested to deliver over the Continental stores and rigging in his custody to the said Lieutenant Bicker, who is directed to sign duplicates of the inventory and receipt therefor, and transmit them to the Convention of this State, in order that one of them may be sent to the marine committee of Congress at Philadelphia and the other to remain with the Convention.

That the two Continental frigates at Poughkeepsie be secured in the manner directed by the resolution of the Committee of Safety, of the twenty-eighth of November, and that the other Continental and public vessels be laid up in the same place, if they can be there accommodated; if not, that the agents for the said ships make an immediate report thereof to the Convention of this State, and suggest some place where they can find a secure harbour for them.

That all convenient expedition should be used by the managers, Messrs. Tudor and Lawrence, together with the captains of the frigates, to get the same rigged and their cannon mounted by the spring, as in the opinion of the Committee, they may be of use in the defence of Hudson's river, which will most probably be exposed to the attempts of the enemy.

Resolved, That carriages for the guns be immediately begun by the carpenters, if they can be supplied with seasoned stuff; and if not, that stuff be prepared for seasoning, on which work they may be employed till the Convention receive an answer to a letter written to the Honourable the Congress, on the subject of fortifying Hudson's river, and building floating batteries, &c. thereon.

Resolved, That the managers take such measures as they conceive proper, for the plank and stores that are left at Poughkeepsie, and direct one of the inhabitants of the said place to take charge thereof.

Ordered, That the managers of the said ships be furnished with copies of the above resolutions; that a copy thereof be transmitted to Francis Lewis, Esqr. and that another copy be sent to Lieut. Victor Bicker.

A letter from Mr. Henry Quackenboss, enclosing an invoice of goods purchased by him for this State, pursuant to a resolution of the Committee of Safety of the 9th of October last, and requesting that the amount of the said invoice, together with his commissions thereon, should be paid to Mr. Cuyler, was read. Thereupon,

Ordered, That the Treasurer of this State pay to Jacob Cuyler, Esqr. for account of Mr. Henry Quackenboss of Albany, on receipt, for the sum of £532, 12*s*. 0*d*. in full for the goods purchased by him for this Convention, together with his commissions thereon, at 5 per cent, agreeable to his invoice and account thereof, bearing date the 19th of Novr. last.

General George Clinton forwarded to the Committee of Safety, a memorandum of articles, vizt:

"Wanted by the detachment employed in obstructing the navigation of Hudson's river, near Pollopin's island, viz: six thousand bricks for forges for blacksmiths' shops, and a few ovens to bake bread for the soldiers; as it is a great waste of time to bake in the ordinary camp way, especially when the business is such that all hands ought to be out on fatigue; as many boards as can possibly be spared to cover blacksmiths' and other artificers' shops, and make temporary barracks for the men, as the weather is too cold for those who have to work in the water all day to sleep in tents at night.

"The logs at Poughkeepsie ought to be brought down; and we shall want (after all the supply of boats we shall be able to get at Peekskill,) a number of scows for collecting of stone, &c. Indeed, some active person in the quarter-master's department ought to be on the spot, as teams and many other articles will be daily wanted, which ought properly to be supplied by him; and it is not doubted but was General Heath applied to on that head by Convention, he would order one of the quarter-master's deputies this way; this would save Convention a great deal of trouble, and bring things in their proper channel."

Whereas the Committee of Safety being informed that Major-General Heath, in pursuance of the authority vested in him by his Excellency General Washington, hath directed that further obstructions of the navigation of Hudson's river near Pollipo's island, and this Committee having the success of this salutary measure much at heart, and being disposed to contribute all in their power to its despatch, and by a resolution agreed to advance such sums as might be required for the purpose on the credit of the United States; and a sub-committee is appointed to furnish such necessaries as General Clinton, who superintends the said obstruction may require: And whereas, upon further consideration, it appears that as the said obstruction is to be made at the Continental expense, it will be more proper that one of the Continental assistant quarter-master-generals should be employed to collect and purchase the materials for the said obstruction than a sub-committee or agent appointed by this Committee; and Major Taylor, one of the acting deputy quarter-master-generals, in the Continental army, being recommended to this Committee, as an active and well qualified officer, capable of executing that business with advantage and despatch, and Mr. Duer having been applied to and declaring that he can have no objection against Major Taylor's being employed in this service, provided it should be agreeable to General Heath:

Resolved, therefore, That a letter be written to General Heath, requesting that Major Taylor may be employed in the said department.

It was represented to the Committee of Safety, that Mr. L'hommedieu, some months ago, left a sum of money in the hands of Gerard Bancker, Esqr. which money Mr. L'hommedieu had received as a loan officer of Suffolk county. That by an order of on the day of last, Mr. Bancker paid that money to Egbert Benson, Esqr. chairman of Dutches county, for the public use therein mentioned.

That Mr. L'hommedieu has given security as a loan officer of Suffolk county, and is apprehensive that his securities may be prosecuted for the same money, wherefore he conceives it equitable that he should be indemnified by this Convention, that the sum mentioned in the said order was not the sum by him lodged in the hands of Evert Bancker, Esqr. and that the same facts are not well stated in the said resolution.

Ordered, That Mr. Roosevelt and Mr. Duane be a committee to consider the said order, and to report to this Committee such proper resolution, or entry, as may be expedient or necessary on that subject.

JOURNAL

OF THE

PROVINCIAL CONVENTION.

FISHKILL,
5th Decr. 1776.

The Convention met pursuant to adjournment.

PRESENT—PIERRE VAN CORTLANDT, *Vice-Prest.*

Mr. RUTGERS, Mr. ROOSEVELT, Mr. DUNSCOMB, Mr. R. HARPER, Genl. SCOTT, Mr. DUANE—*New-York.*

Mr. A. YATES, Mr. ADGATE, Mr. CUYLER—*Albany.*

Mr. WM. SMITH, Mr. MILLER, Mr. L'HOMMEDIEU—*Suffolk.*

Col. VAN CORTLANDT—*Westchester.*

Col. ALLISON, Mr. WISNER, Mr. LITTLE—*Orange.*

Mr. R. R. LIVINGSTON, Mr. SACKETT—*Dutches.*

Mr. CONTINE, Mr. REA—*Ulster.*

Major WEBSTER, Colo. WILLIAMS—*Charlotte.*

Mr. MOORE, Mr. NEWKIRK, Mr. WM. HARPER—*Tryon.*

A draft of a letter to Major-General Heath, was read and approved of, and is in the words following, to wit:

"SIR—The Committee of Safety having much at heart, the plan of obstructing Hudson's river, near Pollepel's island, cannot but be attentive to every thing which may contribute to its success.

"In their opinion, the appointment of an active assistant quarter-master immediately for this service will be highly necessary.

"Major Taylor being recommended as every way qualified for the department, the Committee have expressed their wishes to Mr. Duer, that he may be employed, who has assured them that if it is agreeable to you, he can have no objection.

"I am directed therefore to request your approbation, and that you will be pleased, if it shall not interfere with the service, to give orders accordingly.

"I have the honour to be
"With great respect, sir,
"Your mo. obt. humble servt.

"The Honourable Major-Genl. HEATH."

Ordered, That a copy thereof be engrossed, and signed by the President, and transmitted.

A draft of a letter to Francis Lewis, Esqr. a member of the marine committee, was read and approved of, in the words following, to wit:

"SIR—Your favour of the 27th of November has been laid before the Committee of Safety, who in consequence thereof have agreed to the resolutions, a copy of which I am directed to transmit. You will be pleased to assure the marine committee that we shall be attentive to every thing which is requested of us; and when the Continental vessels of war and the stores in this river are in a place of safety, shall not fail to give them information, and transmit the inventory they require.

"Lieut. Victor Bicker, being recommended for his courage, activity and integrity, they have nominated him to be lieutenant of marines to the Congress, and hope it will meet with approbation.

"Capt. Hetfield, who commands a Continental brig, purchased by General Mifflin, and now in this river, has still a few seamen who have the care of the brig.

"We are informed a Continental sloop is in the same situation. Be pleased to inquire from the marine committee whether the captains and men are to be discharged, or how they wish them to be disposed of.

"I am, sir, your very hble. servt.

"To FRANCIS LEWIS, Esqr."

Ordered, That a copy thereof be transmitted, and signed by the President.

Resolved, That a majority of the votes of the several counties of this State, to wit, a representation of so many counties as shall in the whole amount to twenty-six or more votes, or a representation of seven different counties shall hence form a Convention to represent this State.

Resolved, That a Committee of Safety be and is hereby formed for this State; that the said Committee of Safety consist of at least ten members, seven of whom shall be from seven different counties, beside the President or Vice-President, unless in case of the sickness or other necessary absence of both, in which case the Committee of Safety are empowered to choose a chairman; that this Committee exist until the next meeting of Convention; that every member who shall or may attend shall have a voice.

The committee appointed to prepare the form of government, and sundry other members of the Convention, having withdrawn, the remainder present proceeded to business as a Committee of Safety.

JOURNAL

OF THE

COMMITTEE OF SAFETY.

DIE JOVIS,

Decr. 5th, 1776.

PIERRE VAN CORTLANDT, Esq. *Vice-President.*
Mr. ROOSEVELT, Mr. DUNSCOMB—*New-York.*
Mr. ADGATE—*Albany.*
Mr. REA, Mr. CANTINE— *Ulster.*
Mr. MILLER, Mr. L'HOMMEDIEU—*Suffolk.*
Major WEBSTER, Colo. WILLIAMS—*Charlotte.*
Col. ALLISON—*Orange.*
Mr. PLATT, Mr. SACKETT—*Dutches.*
Col. VAN CORTLANDT, General MORRIS—*Westchester.*
Mr. MOORE, Mr. NEWKIRK, Mr. W. HARPER—*Tryon.*

A draft of a letter to John Gibson, Esqr. Auditor-General, was read by Mr. Duane, and approved, in the words following, vizt:

"SIR—Your several favours of the 31st of October, and 21st Novr. respecting a settlement of the accounts of disbursements of this State for the military operations, have been laid before the Committee of Safety and duly considered. I am directed to assure you that they have the accomplishment of this necessary business much at heart; and that the public accounts up to the 9th of November have been for some time, though from many difficulties, not so soon as they wished, stated and prepared for examination.

"The mode which the board of treasury has been pleased to prescribe, will, I fear, be attended with embarrassment. Your first instructions refer the audit of charges for the northern army to the commissioners at Albany, and the last direct that such as relate to the southern army, shall be adjusted by the commissioners at Head-Quarters, either in New-York or New-Jersey. However desirous of giving the highest satisfaction to the Honourable Congress, I must take the liberty to suggest the objections which lie in the way of this method.

"*First.* When the preparations began and the battalions were ordered to be raised, no idea was entertained that the expenditures for the service at the city of New-York and those for the northern army were to be separated and stated in distinct accounts. Whether such a discrimination is now practicable, I cannot take upon me to determine; but if it is absolutely necessary, it must, however difficult, be at least attempted, although it would save a great deal of time and trouble if it could be dispensed with.

"*Secondly.* The vouchers to our public accounts comprehend a multitude of charges which not only relate to this State particularly, but to both the military departments, and as they must necessarily be produced to the commissioners, the accounts of one department cannot be proceeded upon until those of the other are adjusted; and if the first set of commissioners should insist on declaring the vouchers complicated with the expenditures of both, no final adjustment can take place in the manner prescribed.

"*Thirdly.* Our Auditor-General and State Commissary who have arranged the accounts and must occasionally be present at the settlement, cannot attend both sets of commissioners at the same time.

"*Fourthly.* In the uncertain and fluctuating circumstances of our military operations, it may not be prudent to expose vouchers of great importance to this State as well as to the Continent, to the danger of falling into the hands of the enemy, or of being lost by frequent removals.

"Upon all these considerations I am directed to express the wishes of the Committee of Safety that the whole accounts of this State, with the Continent, may be audited before the commissioners at Albany, and their opinion that it will upon the whole be most advisable. You will be pleased, however, to assure the board of treasury that they will pursue with cheerfulness any practicable method which may be more satisfactory for the final adjustment of their public accounts, if the reasons before assigned for referring them to the commissioners at Albany shall not be thought conclusive.

"I am, Sir, your mo. obt. servt.

"*Fishkill, 6th Decr.* 1776.

"JOHN GIBSON, Esqr. Auditor-Genl.
of the United States, Phila."

Nichs. Brewer, Junr. Esqr. and Jeremiah Clark, two of the persons appointed to procure boats and scows for the public service, represented that they find difficulty in procuring men and boats from the exorbitant prices demanded, and praying that the Convention would establish regulations, or grant them instructions relative thereto.

Resolved, That Messrs. Jeremiah Clark, Nichs. Brewer, Junr. John Elmendorf and John Teller, who are appointed to hire or impress boats and crafts, for the purpose of carrying on the obstruction in Hudson's river, near Pollepel's island, be respectively, and hereby are, directed to agree for and allow twenty-four shillings per day for each good sloop of the burthen of forty tons, or thereabouts, supplied with one active man on board of her, and with a good scow. That they agree for and allow in proportion, according to their best judgment, for sloops of inferior burthen, or those without a hand, or without a scow, and that they agree and allow for pettiaugers, and other small vessels, such prices as they may think a reasonable allowance. And

Resolved, That they be, and hereby are, authorized and respectively directed to impress the vessels, boats and scows of any person or persons, who may refuse to accept of such hire for the same, as above mentioned, having their value ascertained by appraisement, as heretofore directed by this Committee.

On motion,

Resolved, That Colonel Allison, Mr. Wm. Harper, Mr. Cantine, Mr. Cuyler and Mr. Dunscomb, be a committee to devise ways and means for procuring salt for the relief of the back inhabitants of this State, who are greatly distressed for want of that article.

The committee to whom was recommitted the resolution of yesterday, for procuring cannon for the ships in Hudson's river, report, that it is their opinion it would be imprudent to delay the casting of cannon for the ships, and, therefore, that the resolution to have cannon cast at Salsbury be reassumed.

The committee appointed yesterday to examine the pay roll of Capt. Scribner's company, raised in Dutches county, delivered in the same, wherein is charged their pay from the times of their respective enlistment to the first day of December, both days included. Thereon is endorsed an affidavit, sworn before Pierre Van Cortlandt, Esqr. Vice-President, and subscribed by the said Nathl. Scribner, that the same is a just and true muster and pay roll of his company for the time therein specified, containing the names of the officers, non-commissioned officers and privates of the said company, and the times of their respective enlistment and service.

On the said pay roll is also endorsed a certificate, by the said committee, in the words following, vizt:

"We, the subscribers, a committee appointed by the Committee of Safety to audit this pay roll, do certify that we have examined the same, and allow the sum of one hundred and twenty-seven pounds, seven shillings and four pence, due to Capt. Scribner.

"MAT. ADGATE,
"BEN. NEWKIRK,
"ALEXR. WEBSTER."

Ordered, That the Treasurer of this State pay to Capt. Nathl. Scribner, one hundred and twenty-seven pounds seven shillings and four pence, in full for the pay of his company, to the first day of December included.

A billeting roll of Capt. Nathl. Scribner's said company from the time of their respective enlistments to the first day of December included, was also delivered in by the said committee with a similar affidavit endorsed thereon. Thereon is also endorsed a certificate by the said committee, in the words following, that is:

"We, the subscribers, a committee appointed by the Committee of Safety, to audit this billet roll, do certify that we have examined the same, and allow the sum of eighty-seven pounds six shillings and five pence due to Capt. Nathl. Scribner.

"*December 4th*, 1776.

"BENJN. NEWKIRK,
"MAT. ADGATE,
"ALEXR. WEBSTER."

Ordered, That the Treasurer of this State pay to Capt. Nathl. Scribner, on his receipt, the sum of eighty-seven pounds six shillings and five pence, in full for the billeting expenses of his company, to the first day of December inclusive.

JOURNAL

OF THE

PROVINCIAL CONVENTION.

DIE VENERIS, 10 HO. A. M.

Decr. 6th, 1776.

Convention met pursuant to adjournment.

Present—PIERRE VAN CORTLANDT, *Vice-Presidt.*

General SCOTT, Mr. DUNSCOMB, Mr. ROBT. HARPER, Mr. ROOSEVELT, Mr. JAY—*For New-York.*

Colo. VAN CORTLANDT, Major LOCKWOOD—*Westchester.*

Major WEBSTER, Col. WILLIAMS—*Charlotte.*

Mr. YATES, Mr. CUYLER, Mr. ADGATE—*Albany.*

Col. ALLISON, Mr. LITTLE, Mr. WISNER—*Orange.*

Mr. NEWKIRK—*Tryon.*

Mr. CANTINE, Mr. RAY—*Ulster.*

Mr. SMITH, Mr. MILLER, Mr. L'HOMMEDIEU—*Suffolk.*

Mr. R. R. LIVINGSTON—*Dutches.*

The memorial of Col. Hathorne, stating that a number of disorderly persons had forcibly carried away his salt from the store of William Allison, and praying relief, was read.

Ordered, That the same be referred to Mr. L'hommedieu, Mr. Cantine, Mr. Miller, Mr. Dunscomb and Mr. Ray.

A letter from John Elmendorf to the Vice-President, dated the 3d Decr. inst. stating that he cannot accept the trust of procuring boats, &c. on account of the riots.

Part of a letter from John Elmendorf to Mat. Cantine, Esqr. dated the 4th inst. relating to riots about tea, was read. Referred to the committee above named.

Resolved, That the Committee of Safety of yesterday be revived in the same words, and,

Ordered, That the committee on government retire to consider that business.

And they withdrew accordingly, and the remaining members proceeded as a Committee of Safety.

JOURNAL

OF THE

COMMITTEE OF SAFETY.

DIE VENERIS, 10 HO. A. M.

Decr. 6th, 1776.

Mr. ROOSEVELT, Mr. HARPER, Mr. DUNSCOMB, Mr. RUTGERS—*New-York.*
Mr. CONTINE, Mr. RAY—*Ulster.*
Major WEBSTER—*Charlotte.*
Mr. ADGATE—*Albany.*
Colo. VAN CORTLANDT—*Westchester.*
Mr. NEWKIRK, Mr. HARPER, Mr. MOORE—*Tryon.*
Mr. L'HOMMEDIEU, Mr. MILLER—*Suffolk.*
Colo. ALLISON, Mr. LITTLE—*Orange.*

William Duer, Esqr. chairman of the committee appointed by the Convention of the State of New-York for the purpose of inquiring into, detecting and defeating all conspiracies which may be formed in the said State against the liberties of America, brought in the report of the said committee in the case of Abraham C. Cuyler, Esqr. late Mayor of the city of Albany, which was read, and is in the words following, to wit.

"Captain Platt, from the committee to whom the case of Mr. Abraham C. Cuyler, late Mayor of the city of Albany was referred, applied to this committee to know whether they should examine into the original cause of his commitment, or only inquire whether he had broken his parol, and if it should appear that he had, order him to be sent to Connecticut, or such other place of confinement as the Committee may think proper.

"*Resolved*, That if it shall appear that Mr. Cuyler has broke his parol in leaving Connecticut, that he be ordered by the Committee to such place of confinement as they may think proper; and that if he has reason to complain of hard treatment in his original commitment, this Committee will at their leisure inquire into it, and do him ample justice; but they will not authorize any persons, under pretence of obtaining a rehearing, to break their parols or contemn the power by which they were committed."

Resolved unanimously, That the Representatives of this State in Committee of Safety assembled, do agree with the said committee for detecting and defeating conspiracies, in their said report.

A letter from Henry Schenk, Esqr. dated this day, relating to a quantity of tar and a number of tents, belonging to the Continent, which are wasting and rotting on a wharf at Fishkill Landing, was read, and recommending Petrus Bogardus to take charge of the said articles.

Resolved, That Mr. Petrus Bogardus be requested and directed to take charge of the said tar and tents, and have the said tar coopered and preserved from wasting, and the tents dried and preserved in the best manner, until further order, or the person whose duty it is to take charge of them, and that a suitable allowance shall be made to him for his trouble; and the said Petrus Bogardus is hereby directed to obtain the best information in his power, and report to this Committee, who brought and left the said stores at that wharf.

A draft of a letter to General Heath, was read and approved of, in the words following, vizt:

"SIR—I am directed by the Committee of Safety to acknowledge the receipt of your favour of the 3rd instant, and assure you that your offers of assistance, accompanied with General Washington's approbation of your generous aid in carrying on the obstructing of Hudson river, and your attention to the passes in the Highlands, afford them the highest satisfaction.

"The sick of Col. Bradley's regiment we had caused to be taken care of by a physician of this place, until Doctor McKnight arrived; and be assured, sir, the non-attendance of a doctor or surgeon was not ascribed to any inattention of yours. Such parts of the unfinished academy as are in any wise tenantable at this season of the year, were lately assigned for a distressed party of sick from General McDougal's brigade; but we are informed by William Duer, Esqr. under whose direction the barracks between Peekskill and this place are, that those in the north entrance of the Highlands, and also that near Hoit's, intended to contain upwards of one thousand men, are nearly completed. Those who are sick of your division may now be made comfortable; and if the building of any other hospital shall be necessary, you may be assured the Convention will be ready to afford every necessary aid in their power for that purpose.

"I am with great respect."

Ordered, That a copy thereof be signed by the President, and transmitted.

The committee to whom was referred the application of Doctr. Hunlock Woodruff, for a place of cover for 230 troops belonging to General McDougal's brigade, under the command of Captain Wildie, now lying at Peekskill, and also a letter received from General Heath of the 3rd instant, reported the following resolve:

Resolved, That the sick soldiers of General McDougal's brigade now lying at Peekskill, be permitted to occupy such parts of the academy at Fishkill as are tenantable for an hospital, until they can be otherwise provided for.

SATURDAY MORNING,
Decr. 7th, 1776.

PRESENT—Col. Pierre Van Cortlandt, *Vice-Prest.*
Mr. Roosevelt, Genl. Scott—*New-York.*
Mr. Cantine, Mr. Rea—*Ulster.*
Mr. Little—*Orange.*
Mr. Adgate—*Albany.*
Mr. Moore, Mr. Harper, Mr. Newkirk—*Tryon.*
Mr. Miller, Mr. L'Hommedieu—*Suffolk.*
Col. Van Cortlandt, Major Lockwood—*Westchester.*
Major Webster, Col. Williams—*Charlotte.*

A letter from William Heath, major-general, dated 6th Decr. 1776, respecting a hospital, was read.

A letter from General Schuyler, dated 2nd Decr. 1776, relative to the obstructing of Hudson river, was read.

Ordered, That Mr. L'Hommedieu and Mr. Wisner wait on Mr. Clinton with General Schuyler's letter, and General Arnold's letter and plan of obstruction.

The committee to whom was referred the muster roll of a company raised and enlisted in this State by Captain George White, as a part of the second battalion of Continental troops raised in the year 1775, brought in the said muster roll. Thereon is endorsed a certificate of Gunning Bedford, deputy muster-master-general, of his having mustered said company. The said committee reported thereon, that agreeably to a resolution of the Provincial Congress, passed on the first day of August, 1775, they allow as due to the said Captain George White and his subaltern officers, the sum of sixty-eight dollars, for having enlisted a company of sixty-eight non-commissioned officers and privates.

Ordered, That the Treasurer of this State pay to the said George White on his receipt, for the use of himself and the late subalterns of that company, the sum of sixty-eight dollars in full for enlisting money for the said company, pursuant to the resolution of the Provincial Congress of the State of New-York on the first day of August, 1775.

A muster-roll of Captain Micah Townsend's company for the month of October, and a pay and billeting roll of the said company was brought in.

Ordered, That the said rolls be committed to Mr. Adgate, Mr. Cantine, Major Webster and Mr. Newkirk, to examine the same and report thereon.

Mr. Adgate moved and was seconded, that that part of the resolution of the Committee of Safety on the 12th of November relative to the superintendence of the poor, which directs a letter to be written to Govr. Trumbull to send all the poor of this State, which are now at the charge of Connecticut, into Dutchess county in this State, be repealed and obliterated.

Debates arose thereon, and the question being put, it was carried in the negative.

Mr. Adgate then moved for the following amendment to the said resolution, to wit:

That instead of the Committee writing a letter to Govr. Trumbull for the removal of the poor, that the President be directed to write such letter, which was unanimously agreed to.

The members of Tryon county informed the Committee that a sergeant and twelve men of the Tryon county rangers, who have been sent and arrived here with sundry prisoners sent to this place by the Tryon county committee, are destitute of either money or provisions to support them in their return home; that they have a considerable sum due to them for rations; and therefore, requested that a small sum of money may be advanced in part of their billeting and subsistence money, to support them in their return home.

Ordered, That the Treasurer of this State pay to James Gwinell or order, on his receipt, for himself and the twelve rangers with him, three dollars each, vizt: thirty-nine dollars, in part of their billeting and subsistence money, to support them on their return to Tryon county.

Ordered, That the clause in the letter to Mr. Hancock, relating to flaxseed, be obliterated.

4 *ho. P. M. Decr. 7th*, 1776.

The Committee met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *V. Prest.*
Mr. Dunscomb—*New-York.*
Mr. Rea—*Ulster.*
Col. Allison, Mr. Little—*Orange.*
Mr. Adgate—*Albany.*
Mr. Moore, Mr. Newkirk, Mr. Harper—*Tryon.*
Mr. Miller—*Suffolk.*
Col. Van Cortlandt, Major Lockwood—*Westchester.*
Major Webster—*Charlotte.*

A pay roll of the late company of Captain Micah Townsend from the 2nd of October to the 31st of October, both days included, and a billeting roll or account of the subsistence money due to the officers, non-commissioned officers and privates of the said company, from and to the days aforesaid, both days included, were brought into the Committee. Thereon is endorsed an affidavit of the said Micah Townsend, sworn before the Vice-President, that the said rolls were a true muster roll of his company for the month of October, containing the names of the officers, non-commissioned officers and privates, of the said company, and the times of their respective service since payment of their wages.

Ordered, That the same be referred to Messrs. Adgate, Webster and Newkirk.

The committee to whom was referred the said pay and subsistence rolls, reported that they had examined the same, and allow to Captain Townsend, on the said pay roll one hundred and nineteen pounds twelve shillings and ten pence halfpenny; and also that they allow to the said Captain Townsend on the subsistence roll the sum of eighty-five pounds nine shillings and three pence halfpenny.

Ordered, That the Treasurer of this State pay to Captain Micah Townsend, on his receipt in full for the pay remaining due to himself and the other officers and men of the said company, one hundred and nineteen pounds twelve shillings and ten pence halfpenny; and that the said Treasurer pay to the said Micah Townsend, on his receipt, the further sum of eighty-five pounds nine shillings and three pence halfpenny, in full for all subsistence or allowance for billeting due the said company.

On motion of R. R. Livingston,

Resolved, That a committee of three gentlemen be requested to go immediately to General George Clinton, at New-Windsor, and vested with full power, in conjunction with General Clinton, to call out the militia of Orange and Ulster counties, and to station them at such places as they think will contribute most to the safety of this State and the general interest of America.

Resolved, That Mr. Robert R. Livingston, General Scott and Mr. Duer, be the said committee.

Resolved, That a letter be written to Major-Genl. Schuyler, informing him of the intelligence we have received, and the steps we have taken, and requesting him to embody,

and if possible, clothe all the recruits arrived in the county of Albany, and send them down to this place, and put them under the direction of this Convention—suggesting the propriety of sending down as many of the troops as he can possibly spare from the northward, and of calling, at the same time, upon the rangers of Tryon county to garrison the fort.

SUNDAY MORNING,

Fishkill, Decr. 8th, 1776.

[Special Meeting.]

A draft of a letter to Govr. Trumbull, was read and approved of, in the words following, to wit:

"Sir—The confusion into which every thing has been thrown at Philadelphia by the enemy's rapid progress has, we suppose, prevented the Congress from applying to us or you for aid, much as, at present, they want it, of which you will judge when we inform you that General Howe is at Brunswick with 10,000 men; that General Washington is at Trenton with an army of about 6,000 strong. We think it, therefore, our duty to mention these facts to you, and to entreat you by that regard which you have hitherto testified for the glorious cause in which we are engaged, on this occasion speedily to exert your whole force.

"Should 6,000 men cross into the Jerseys, where General Lee now is, with two brigades, and unite themselves to him or General Gates, who is likewise on his march with some troops, the panic which universally prevails in New-Jersey would be removed. A considerable body of the militia would probably flock in to your assistance, and the enemy shut in between two armies, and having their supplies cut off, might dearly pay for their temerity.

"The fleet that has sailed up the Sound is evidently designed as a feint to draw your attention from the object that ought principally to engage it, and to keep any part of the force of the New-England States from acting where it is most manifestly wanted.

"Though this embarkation ought not to be neglected, yet as from the number of the troops in New-Jersey those that have gone up the Sound cannot be very formidable. We cannot but hope that so fair an opportunity of distressing the enemy will not be foregone, especially as there is no telling what consequences may attend the enemy's uninterrupted progress through a country by no means free from disaffection.

"All that can be expected from us, in our present weak and dismembered state, has and will be done. Nine hundred of our militia, well armed and appointed, are already in the field, and occupy some passes at which General Washington has directed them to be stationed. The militia of two counties, under marching orders, are put under General Heath's command.

"You will be pleased to write immediately to the eastern States on this important subject, and to let us know what number of troops you are like to collect, and whether we can give you any assistance in purchasing or forwarding provisions for them.

"Yours, &c."

Ordered, That a copy thereof be signed by the V. President, and transmitted by express.

A draft of a letter to Major-General Schuyler, was read and approved of, in the words following, to wit:

["secret.]

"*Fishkill, 8th Decr.* 1776.

"Sir—An officer is arrived here who gives the following intelligence, that he left General Washington at the head of between five and six thousand men, at Trenton, last Friday. That Genl. Howe was then at Brunswick with about 10,000 of the King's troops; that there had been a skirmish near Brunswick, where the Hessian General, who commanded at the taking Fort Washington, was slain; that neither the Jersey nor the Pennsylvania militia had joined General Washington, who proposed, if not soon reinforced, to cross Trenton river; that the Congress had moved to Lancaster. Genl. Lee marched the day before yesterday, with about 3,000 men, in pursuit of the enemy, and there is a flying report that he has had an engagement with them, near Hackensack, in which they suffered greatly. General Gates is to march with some troops from the northward, to join him or General Washington. As it is of the utmost importance to encourage the militia of New-Jersey, who appear to be dispirited, it will be necessary to march a body of them immediately to their assistance. A committee, authorized to call out the militia of Orange and Ulster, and to post them to the best advantage is therefore gone over to New-Windsor, to confer with General George Clinton.

"The Convention have despatched an express to Governor Trumbull, with the above intelligence, strongly urging the propriety of embodying 6,000 men from the New-England States, in order to coöperate with General Washington, by falling on the rear of the enemy, who seem to act with astonishing temerity. A report prevails that 70 of the enemy's transports have proceeded up the Sound, whether as a feint to divide the American forces, or with intention to land at Rhode-Island, is uncertain.

"The Committee of Safety have, upon this intelligence, agreed to the resolution I have the honour to enclose If this alarm had not happened, you would nevertheless have been requested to send down the recruits to be quartered and disciplined at this place, where there are barracks for above 2,000 men; they are there too under the eye of the Convention, and ready to defend the passes of the Highlands, on which the public safety much depends. They hope the measures they have adopted will meet with your approbation. There can be no use in publishing this intelligence till we have it more authentic. It may discourage the weak and wavering at a time when all the vigour of the State is necessary.

"I am, with great respect, sir,

"Your most obedt. hum. servt.

"By order of the Committee of Safety."

Ordered, That a copy thereof be signed by the Vice-President, and transmitted.

MONDAY MORNING,

Decr. 9th, 1776.

Present—Col. Van Cortlandt, *V. Prest.*

Mr. Duane, Mr. Dunscomb, Mr. Rutgers, Mr. Roosevelt, Mr. Jay, Mr. Harper—*For New-York.*

Mr. Abraham Yates, Mr. Adgate—*For Albany.*

Mr. L'hommedieu, Mr. Miller—*Suffolk.*

Mr. Ray, Mr. Cantine—*Ulster.*

Col. Allison—*Orange.*

Col. Van Cortlandt, Major Lockwood, Mr. Morris, General Morris—*Westchester.*

Mr. Moore, Mr. Harper, Mr. Newkirk—*Tryon.*

Mr. Webster, Col. Williams—*Charlotte.*

Mr. R. R. Livingston—*Dutchess.*

Ordered, That the Treasurer of this State advance to Captain John Houston, of Col. Gansevoort's regiment, the sum of two hundred pounds on account of bounty money for his company.

An inventory of the real and personal estates of sundry persons in the town of Salem, who have gone over to the enemy, dated Decr. 6th, 1776, and signed by Ezekiel Hawley, chairman of the committee of said town, was read and filed.

Ordered, That Mr. Duane prepare a draft of a letter to the said committee.

Mr. Duane accordingly reported a draft of a letter to the chairman of the said committee of Salem, which was approved of, in the words following, to wit:

"*Fishkill, 9th Decr.* 1776.

"SIR—Your favour of the instant, has this day been laid before the Committee of Safety, and I am directed to acquaint you that they highly approve of the conduct of the committee of Salem, and of the prudent measures they have taken to ascertain and secure from waste and embezzlement, the property of the disaffected who have joined the enemy. They request that you will continue your care of those effects, allowing a provision to the families who are left behind. The Committee have under consideration, a report for the security and disposal of all estates under the like circumstances. It will not be long before you shall be furnished with these regulations.

"I am, &c.

"Mr. EZEKIEL HAWLEY,
Chairman of the Committee of Salem."

Ordered, That a copy thereof be signed by the Vice-President, and transmitted.

A letter from the committee of Albany, dated Novr. 28, relative to the abuse in the weight of flour, and of the estates of persons who have gone over to the enemy, was read and filed.

Ordered to be referred to Mr. Morris, Mr. Yates, Mr. Roosevelt, and Col. Allison.

A letter from Mrs. Inglis (the wife of the Revd. Mr. Inglis,) directed to Mr. Duane, requesting permission to go to her husband who is in the city of New-York, with her family and effects, was read and filed, and committed to Mr. Jay, Mr. Morris and Mr. Duane.

At a meeting of the committee appointed by the Representatives of the State of New-York, in Committee of Safety assembled, agreeable to a resolution of the said Committee, of Decr. 8th, 1776.

PRESENT—Brigr. Gen. George Clinton, Brigr. Gen. Scott, R. R. Livingston, Esq. William Duer, Esq.

Resolved, That all the militia of Orange and Ulster counties be forthwith ordered to march, properly armed and accoutred, and with four days' provisions, to Chester, in Orange county, there to receive further orders from Genl. Geo. Clinton, for effectually coöperating with Major-Genl. Lee, and Major-Genl. Gates, in harassing and distressing the enemy, who have entered the State of New-Jersey; that the said militia shall be allowed Continental pay and rations, and one penny per mile in lieu of rations till they come to the place of rendezvous.

Resolved, That Brigadier-Genl. Geo. Clinton be empowered to make use of the arms and accoutrements belonging to this State, and now at New-Windsor, for the purpose of equipping such of the said militia as are not armed.

Resolved, That Colo. Malcolm be requested and authorized to exert all the influence which he possibly can, to induce the men under his command, and such others as he can procure, and engage in service till the last day of December; and that he be annexed to the brigade commanded by Brig. Genl. Geo. Clinton.

Resolved, That Brigadier-Genl. Geo. Clinton, be empowered to give a gratuity of one dollar to each man of Colo. Malcolm's regiment, who will consent to remain in service till the last day of December.

AND WHEREAS, in the opinion of the Honourable General Congress, and from the measures pursued by the enemy, the security of the United States principally depends upon preventing the passes of the Highlands on Hudson's river from falling into the hands of the enemy, yet it is the firm intention and the earnest desire of the Convention of this State, to give every possible assistance to any of their sister States, or the United States in general, consistent with the security of that grand object: AND WHEREAS, the Committee of Safety have this day received information that Major-General Lee has taken post at Morristown, in New-Jersey, where he is assembling an army to act in concert with General Washington in opposing the enemy, who are marched towards Philadelphia: AND WHEREAS, the security of the Highlands on the west side of Hudson's river must greatly depend on the militia of Ulster and Orange counties, who for that reason ought not to be removed to so great a distance from the passes of the Highlands as to be unable to oppose any further designs of the enemy in that quarter:

Resolved, therefore, That General George Clinton, in coöperating with General Lee and General Gates, take especial care, at all events, to secure the said passes; and in case he shall not find it expedient to join the said Generals, he nevertheless march into the State of New-Jersey as far as he shall think servicable, consistent with the preservation of the said passes; and that he exert himself to the utmost in collecting the militia of New-Jersey, and raising their spirits, and in overawing and curbing the disaffected or revolted subjects of that State, when called upon by the civil or military authorities thereof.

Resolved, That a copy of the above resolutions be transmitted to Genl. Heath, and that he be requested to give every necessary assistance to Genl. George Clinton in carrying the same into execution.

Resolved, That the regiments commanded by Colo. Huntingdon and Colo. Tyler, may with safety be put under the command of Genl. George Clinton, as he will take care, from time to time, in case the motions of the enemy should require it, that the pass at Ramapough should be properly secured.

Resolved, That in case Genl. Geo. Clinton shall be permitted to draw off the above mentioned regiment from the pass at Ramapough, that he be empowered to supply their place with as many of the militia under his command as he shall think necessary.

Resolved, That Genl. Geo. Clinton march (as a part of the troops under his command,) the companies of rangers raised in the county of Ulster under the command of Capt. Dewitt and Capt. Hasbrouck.

Resolved, That Genl. George Clinton should be supplied with two field pieces, forty-five thousand cartridges, tents for fifteen hundred men, and as many small arms as shall be necessary for supplying the militia who may stand in need of them, and that the same ought to be issued from the Continental store.

Resolved, That a deputy commissary and one assistant quarter-master-general of the Continental army, should attend the brigade of militia under the command of Genl. Geo. Clinton.

Resolved, That the sum of six thousand pounds be advanced to Genl. George Clinton from the Treasury of this State, in order to defray any expense which may accrue in the execution of the above mentioned resolutions, and which is before unprovided for.

Resolved, That a letter be sent express to Major-Genl. Gates, enclosing copies of these resolutions, and requesting him to forward copies of the same to Major-Genl. Lee.

TUESDAY MORNING,

Decr. 10th, 1776.

The Committee of Safety met.

PRESENT—Mr. Duane, Mr. Harper, Mr. Rutgers, Mr. Roosevelt, Mr. Dunscomb—*New-York.*

Mr. Abraham Yates, Mr. Adgate—*Albany.*

Mr. Smith, Mr. Miller, Mr. L'hommedieu—*Suffolk.*

Mr. Cantine, Mr. Ray—*Ulster.*

Mr. Wisner, Col. Allison—*Orange.*

Mr. R. R. Livingston—*Dutchess.*

Major Lockwood, Mr. Morris, General Morris—*Westchester.*

Mr. Moore, Mr. Harper, Mr. Newkirk—*Tryon.*

Mr. Webster, Col. Williams—*Charlotte.*

The President and Vice-President being absent, Mr. Cantine was unanimously chosen chairman *pro tem.* and he accordingly took the chair.

A letter from General McDougal, dated at Haverstraw,

on the 9th December, instant, assigning reasons for sending three or four hundred men to protect Orange Town was read.

Ordered, That it be referred to Mr. Wisner, Mr. L'hommedieu and Mr. R. R. Livingston.

A letter from Samuel Tudor, dated at Poughkeepsie, on the 9th day of December, instant, relative to the articles wanted for the equipment of the ships building at that place, was read and filed.

Ordered, That it be committed to Messrs. Wisner, Smith and L'hommedieu.

A letter from the Delegates of this State in Congress, dated at Philadelphia on the 4th inst. was read and filed, and is in the words following, to wit:

"*Phila. 4th Decbr.* 1776.

"We received Mr. McKesson's letter dated the 25th November. We have, according to your request, applied to Congress for leave to our State to raise another battalion, to be commanded by Col. Du Bois, which is agreed to, and a resolve to that purpose is enclosed; as also a resolve for employing five aid-majors at the expense of our State. Blank commissions for both the battalions and aid-majors are herewith sent. There are 45 blanks, a few more than the number wanted, to serve in case some might be spoiled in filling up; the rank of the officers of the five battalions is with you to settle; the Congress does not interfere under the new arrangement in the rank of officers appointed by the several States.

"General Washington is at Trenton with his army; General Cornwallis at Brunswick. This city had been in great confusion for some days; the consternation was great from an apprehension that the enemy would march into this place; but they have now in a great measure recovered their spirits and are marching out in considerable numbers to join General Washington, and in a few days our army will be strong enough to face the enemy. We have no accounts where our troops under General Lee are at present, but are in hopes if they are within march, as is said, that Cornwallis will not proceed any further this way too speedily; if he delays a very few days longer, there is nothing to fear from him.

"We are, gentlemen,

"Your most obedt. servts.

"PHIL. LIVINGSTON,
"FRA. LEWIS,
"WM. FLOYD.

"To the Convention of the State of New-York."

A resolution of Congress therein enclosed, dated the 26th of November, 1776, was read as follows, vizt:

"*Resolved*, That it be recommended to the Legislatures of the United States respectively, to pass such laws as will effectually prevent the counterfeiting or forging the tickets of the public lottery.

"Extract from the minutes.

"CHARLES THOMSON, *Secy.*"

Another resolution of Congress therein enclosed, dated Novr. 30th, 1776, was also read, as follows, vizt:

"*Resolved*, That the State of New-York be empowered to raise another battalion on the Continental establishment. That the Convention or Council of Safety of New-York be empowered to appoint an aid-major to each of the battalions raised by that State, the pay and expense of which to be borne by that State.

"Extract from the minutes.

"CHAS. THOMSON, *Secy.*"

Ordered, That the said letter and resolves be referred to the committee of arrangements.

Resolved, That the rangers of Tryon county be allowed Continental rations instead of their weekly subsistence money, during the time they remain in garrison.

A draft of a letter to Genl. Schuyler was read and approved of in, the words following, to wit:

"*Fishkill, Decr.* 10*th*, 1776.

"SIR—By a return express from Philadelphia, we have received a letter from our Delegates, dated the 4th instant, enclosing a resolution of Congress for enabling this State to raise a fifth battalion, to be commanded by Col. Du Bois, which was applied for by the Convention. Another resolution of Congress is also transmitted, directing the respective States to pass acts for preventing the forgery of lottery tickets."

"The following extract will show the condition of the two armies on the date of the Delegates' letter:

"'Genl. Washington is at Trenton with his army; Genl. Cornwallis at Brunswick. This city has been in great confusion for some days; the consternation was great from an apprehension that the enemy would march on to this place; but they have now in a great measure recovered their spirits, and are marching out in considerable numbers to join General Washington; and in a few days our army will be strong enough to face the enemy. We have no account where our troops under General Lee are at present, but are in hopes they are on their march, as it is said that Cornwallis will not proceed any further this way too speedily; if he delays a very few days longer, there is nothing to fear from him.'

"You will have the pleasure to observe that the report suggested in our last, that Congress had removed to Lancaster, was without foundation.

"General Lee, we are well informed, was a few days since at Morristown, where he is assembling a force to act in concert with General Washington. The militia of Orange and Ulster are ordered to march under the command of Brigadier-General George Clinton, to coöperate with General Lee; revive the spirits of the New-Jersey militia and secure the passes in the Highlands.

The Convention are of opinion, and have this day passed a resolution, that the rangers of Tryon county ought to be allowed Continental rations instead of their weekly subsistence money, during the time they shall remain in garrison.

"I am directed to add that the Convention will soon send up the pay which is in arrear to the rangers.

"I am, &c.

"GEN. SCHUYLER."

Ordered, That a copy thereof be signed by the V. President, and transmitted.

A draft of a letter to General McDougal was read and approved of, [and is] in the words following, to wit,

"*Fishkill*, 10*th Decr.* 1776.

"SIR—We received your favour of yesterday, and in answer thereto have only to inform, that previous to the receipt thereof, we ordered a large body of troops from the counties of Orange and Ulster, under the command of Brigadier-General George Clinton, to march immediately through the counties of Orange and Bergen in order to protect the well affected in that part of the country, and to coöperate with General Lee as far as shall lie in his power in distressing the enemy, raising and collecting the well affected, and harassing and overawing the disaffected subjects of the State of New-Jersey. We submit to your prudence how far and to what persons this should be divulged before the arrival of General Clinton's corps.

"I am, &c.

"GEN. MCDOUGAL."

Ordered, That a copy thereof be signed by the V. President, and transmitted.

WEDNESDAY MORNING,
Decr. 11*th*, 1776.

The Committee met pursuant to adjournment.

PRESENT—Mathew Cantine, Esqr. *Chairman*.

Mr. Duane, Mr. Dunscomb, Mr. Rutgers, General Scott, Mr. Jay, Mr. Harper, Mr. Roosevelt—*New-York*.

Mr. Abraham Yates, Mr. Adgate—*Albany.*
Mr. Cantine, Col. De Witt, Mr. Tappen, Mr. Ray—*Ulster.*
Mr. Smith, Mr. Miller—*Suffolk.*
Mr. R. R. Livingston—*Dutchess.*
Mr. Wisner—*Orange.*
Major Lockwood, Mr. Morris, General Morris—*Westchester.*
Mr. Moore, Mr. Harper, Mr. Newkirk—*Tryon.*
Mr. Webster, Col. Williams—*Charlotte.*
Mr. Sessions—*Cumberland.*

Mr. Wisner informed the House that two of the members of Orange county, to wit, Doctor Outwater and Colonel Sherwood (as has been reported) have signified their intention of not attending the business of this House any longer as members of said county.

Ordered, That a letter be written to the chairman of the county of Orange, directing him to request the attendance of the southern members of that county, or assign reasons for their non-attendance.

A letter from General Heath, dated yesterday, informing the Convention of a flag being come up with the Revd. Mr. Inglis and Mr. Moore, accompanying a number of letters to persons about the country, was read. A list of the letters above referred to, is as follows, to wit:

A letter from the Revd. Charles Inglis, dated 8th Decr. directed to Messrs. Duane and R. R. Livingston, soliciting a permit for his wife and family to remove to New-York with such parts of his furniture, books and papers as are at New-Windsor.

A card from Mr. Elliot to Mr. Duane, dated 6th Decr. requesting permission for his son-in-law, James Jauncey, Junr. with his wife and servants, to return from Middletown in Connecticut, to New-York.

A similar card, of same date, to Mr. Jay, making the same request.

A letter from Jacob Watson, dated 4th, 12 mo. directed to Daniel Terboss, respecting the sale of salt and purchase of flax seed.

A like letter of same date, and for the like purpose, to Daniel Birdsall.

A long letter from John Moore, dated 9th Decr. to Pierre Van Cortlandt, requesting the return of his wife.

A letter from Phil. J. Livingston to James Duane, Esqr. John Jay and others, requesting his wife and family.

A letter from Phil. Livingston, Esqr. dated Pensacola, Jany. 1, 1776, to John Paterson, collector of Philadephia.

A letter from Jane Knox to Capt. Fred. Hunt, and another to Captain Piemart, requesting her goods.

A letter from Govr. Tryon to Wm. Smith, dated 4th Decr.

A letter from Mrs. Plenderleath to Wm. Smith, Esqr.

A letter from same to Mrs. Smith.

A letter from H. W. to Wm. Smith, Esqr. dated 25th April.

A letter from Mrs. Plenderleath to her mother.

A letter from J. Plenderleath to Wm. Smith, Esqr. dated 25th April.

A further set of resolutions, relative to Gen. George Clinton and the militia ordered out yesterday, was read and agreed to, as follows, to wit:

Resolved, That the militia of Orange and Ulster counties, ordered to be raised by the resolution of the Convention of this State, passed the 9th day of December instant, do not march further south than Haverstraw, or west than Ringwood, till the further orders of this Convention.

Resolved, That Col. Malcom, with the militia under his command, be annexed to General George Clinton's brigade.

Resolved, That a copy of the above resolutions be immediately transmitted to Genl. George Clinton.

A letter from Major-General Heath being read, informing the Convention that he was ordered to go over with his division to the west side of Hudson river, by which the defiles in the Highlands will be exposed.

The same being taken into consideration:

Resolved, That the safety of this State and the general interest of America, require that the defiles in the Highlands on both sides of Hudson river should be carefully and strongly guarded.

Resolved, That a letter be written to his Excellency General Washington, enclosing the resolutions passed on Monday last, stating the dangers attending the leaving the passes through the Highlands unguarded, and requesting that the order for General Heath's division to march, may be countermanded.

Resolved, That the said letter go by express, who shall be and hereby is empowered to impress horses every ten miles, and to ride night and day, both going and returning.

Resolved, That if the express shall go and return in less than six days, that he shall be paid three pounds per day over and above his wages, for every day short of that time in which he shall perform the same; that is, if he shall perform the same in five days, he shall receive three pounds; if in four days, six pounds.

A draft of a letter to General Washington, was read and agreed to, in the words following, to wit:

"*Fishkill, 11th Decr.* 1776.

"SIR—I am directed by the Convention of the State of New-York, to transmit to your Excellency the enclosed resolves, by which it will appear that we have made every exertion in favour of our sister States, which our present situation will admit; but we are extremely sorry to find, by a letter received last night from General Heath, that he is ordered over to the western shore, by means of which the most important passes in America will be left unguarded, though within a short distance of the army. Your Excellency must be fully satisfied, that though they, by marching through the flat country, may distress the inhabitants, yet that that measure will be productive of nothing decisive; whereas the fate of this country will probably depend upon their occupying the State of New-York, which is now in a great measure abandoned to them. We must therefore take the liberty to entreat your Excellency to countermand an order which, in our humble opinion, is putting every thing to the hazard, and leave the northeastern parts of Jersey to be strengthened in the way proposed by the within resolutions. If your Excellency should not be inclined to grant this request, we must beg to be favoured with an immediate answer, that we may not, by suffering our militia to march, leave this State entirely defenceless, and thus abandon, with ourselves, the cause of America. Your Excellency will pardon the freedom with which we write. Our sanguine hopes of creating a very considerable diversion by the means pointed out in the enclosed resolves, without endangering the safety of this State, are, by the orders to General Heath, entirely vanished.

"I have the honor, &c.

"His Excellency Genl. WASHINGTON."

Ordered, That a copy thereof be signed by the chairman, and transmitted.

Ordered, That the several letters following, to wit: A letter from Governor Tryon to Wm. Smith, Esqr.; a letter from Mrs. Plenderleath to the same; a letter from the same person to Mrs. Smith; a letter from H. W. to William Smith, Esqr.; a letter from Mrs. Plenderleath to Mrs. Smith; a letter from the same person to William Smith, Esqr. and a letter from the same person to Miss Elizabeth Smith, which were sent severally open but enclosed together, be enclosed, sealed up, and certified by the President to have been sealed up in Convention without having been perused. Also that the letter from John Moore to his wife, and the letter from Mrs. Verplanck to her husband, be in like manner enclosed, sealed up, and certified; and that all the said letters be sent to the respective persons to whom they were written.

Several letters which were sent up to this Convention by Major-General Heath, as having been conveyed to him by a flag of truce, for the purpose of procuring liberty for

sundry persons to go with their effects to the city of New-York, being read,

Ordered, That they be referred to Mr. Roosevelt, Mr. Yates and General Scott, to take the said letters.

Also a letter from James Jauncey, Junr. and a memorial of Frederick Phillipse, being read, was referred to the same committee; as also the case of Lady Johnson, and that the said committee report on the matters aforesaid with all convenient speed.

Mr. Robert R. Livingston informed the Convention that he was informed by Abraham Livingston, son of Philip Livingston, Esqr. that his said father had directed him to inform the Convention, that in consequence of his long absence from his family, he will be under the necessity of leaving the Congress, for the purpose of visiting his family at Esopus.

Resolved, That General Morris be directed to repair to Philadelphia, and take his seat in General Congress, in order that Philip Livingston, Esqr. may be enabled to visit his family.

Mr. R. R. Livingston delivered in the report on Samuel Tudor's letter, relative to De Grushe, which was read and agreed to, as follows, vizt:

"The committee to whom was referred a letter from Samuel Tudor, of the 9th inst. humbly report the following letter and resolution:

"SIR—The Convention have received yours of the 9th instant. They approve of your proposal to appoint Mr. De Grushe to do the business you mention, and have accordingly directed him to repair to Poughkeepsie for that purpose. You will be pleased to hire Mr. Ivers's tools on the most favourable terms in your power. The Convention would have you to proceed with all possible despatch in making the gun-carriages. You cannot be at a loss for the measure of the guns, since it will lay with you to give the necessary directions for making them. Mr. Rutgers declines having any agency in fitting out the ships; nor do we conceive that any other agent is necessary, than those already employed, as the business is by no means so extensive as it was; you may agree with Mr. Hendricks to visit the store once a day. We again repeat to you, that it is essentially necessary for the security of the State, that the ships be fitted for service by the spring. The Convention wish to know why the cables and anchors ordered to General Clinton have not yet been sent.

"*Resolved*, That Mr. De Queshe be directed to repair to Poughkeepsie, to assist in preparing the rigging of the Continental ships at that place, and that he be allowed the same wages as Mr. Ivers.

"Yours, &c.

"Capt. SAMUEL TUDOR."

Ordered, That a copy thereof be signed by the Chairman, and transmitted.

Ordered, That Mr. Robert Harper, Mr. William Harper, Major Lockwood and Mr. Wisner, be a committee for the purpose of furnishing General George Clinton with ammunition, and other necessaries, for the use of his brigade.

Mr. Wisner moved, and was seconded, for the following resolutions:

Resolved, That such of the Deputies of this State, as by reason of the enemy's progress cannot have access to the committees of their respective counties, be authorized and empowered, and they are hereby authorized and empowered, to draw upon and receive from the Treasurer of this State, such sums of money as have been severally allowed to the Representatives of this State, for their attendance in the Convention of the same, and the Treasurer take receipts for, and place such sums to the debits of such counties, whose members shall receive the same.

Ordered, That the subject matter of the said motion be referred to Mr. Moore, Col. Williams, Mr. Adgate and Mr. Ray.

A certificate signed by General James Clinton and others, certifying the manner in which the chain intended to obstruct Hudson river broke, from which it appears the fault is not in the smiths' work, was referred to the committee formerly appointed to examine and fix the chain.

THURSDAY MORNING,

Decr. 12th, 1776.

The Committee met.

Present—Matthew Cantine, Esqr. *Chairman*.
Mr. Rutgers, Mr. Duane, Mr. Dunscomb—*For New-York*.
Mr. Abraham Yates, Mr. Adgate—*For Albany*.
Mr. Smith, Mr. Miller—*For Suffolk*.
Col. De Wit, Major Tappen, Mr. Cantine, Mr. Rhea—*For Ulster*.
Mr. Wisner, Mr. Little—*For Orange*.
Major Landon, Mr. G. Livingston—*For Dutchess*.
Major Lockwood, General Morris—*For Westchester*.
Mr. Moore, Mr. Harper, Mr. Newkirk—*For Tryon*.
Mr. Webster—*For Charlotte*.
Mr. Sessions—*For Cumberland*.

Resolved, That Major Terboss be and is hereby appointed to receive and take the charge of and preserve all such hides as shall, from time to time, be sent to Fishkill Landing by Stephen Ward, Esqr. agent for the purpose of purchasing hides; and that Mr. Isaac Van Wyck be and he is hereby appointed to receive, take charge of and preserve all such hides as Mr. Ward shall, from time to time, send to Fishkill by land; and that Major Terboss and Mr. Van Wyck shall be allowed a reasonable compensation for their trouble and expense in executing this resolution.

Ordered, That the Treasurer of this State advance to Stephen Ward, Esqr. the sum of six hundred pounds, on account of hides by him purchased for the use of this State.

The petition of the general committee of Westchester county, praying for relief; that Rogers with his rangers may be drove off, &c. was read and filed.

Ordered, That the said petition be referred to Mr. R. R. Livingston, Major Lockwood, General Morris and Mr. Morris.

The committee appointed to credit the pay rolls of Tryon county rangers, delivered in their report, which was read, amended and agreed to.

Mr. Yates, the chairman of the government committee, gave notice that the said committee will report this day eight days.

Mr. Yates requested that Mr. McKesson be directed to attend the committee to copy said report.

Mr. Wisner informed the House that it has been represented to him that Colonel Blackwell and Major Jonathan Lawrence, members of the Convention of this State for the county of Queens, are willing to give their attendance if this House will receive them, notwithstanding the said county is in possession of the enemy.

Ordered, That the Secretary write letters to those gentlemen, requesting their attendance as members for the said county.

The committee to whom was referred the petition of the general committee of Westchester county, read this day, reported the draft of a letter to General George Clinton, which was approved of, [and is] in the words following, vizt:

"SIR—The Convention, on the application of the inhabitants of Westchester county, who complain of inroads made upon them by a party of rangers under the command of Major Rodgers, have come to a resolution to despatch Colonels Malcom and Thomas with their regiments, who will be joined by some of the militia of Westchester county and three companies of rangers, in order to fall upon the troops of the enemy and remove the stock and

grain from the said county. You will be pleased therefore immediately to give the necessary orders.

"I am, sir, &c.

"To Brigadier-Gen. Geo. Clinton."

Ordered, That a copy thereof be signed by the Chairman, and transmitted.

Resolved, That this Convention will allow unto Samuel Loudon for printing and publishing in a weekly newspaper, such acts and publications as they or this Convention or future Legislature of this State shall direct, and which shall fall within the compass of such newspaper, after the rate of two hundred pounds per annum, in quarterly payments; and that the first quarterly payment commence and be advanced to him on his publishing his first newspaper; and that the said salary be payable by warrants drawn by the President of the Convention, and to be continued for one year, provided the said paper shall so long be regularly published.

The committee to whom the certificate of General James Clinton and others, (relative to the chain,) which was received and read yesterday, was referred, delivered in their report, which was read and approved. Thereupon,

Resolved, That the committee to obstruct the navigation of the Hudson river, be directed to pay the blacksmiths who made the chain which was lately drawn across the said river, according to their agreement with them.

Resolved, That the Chairman of this Committee write a letter to Col. Henry B. Livingston, requesting him, that if it shall be consistent with his instructions from His Excellency General Washington, he immediately repair with his troops under his command to this State, in order to oppose the ravages of the enemy in the county of Westchester.

A draft of a letter to Col. Livingston was read and approved of, and is in the words following, vizt:

[Secret.] "*Fishkill, 11th December*, 1776.

"Sir—It is apprehended that a successful attack may be made against such of the enemy principally, if not solely, consisting of Rogers' rangers, as are now ravaging without restraint or remorse, the suffering inhabitants of the county of Westchester. I am therefore directed to request you, if it is in any wise consistent with your instructions from His Excellency General Washington, immediately to repair to this State with the troops under your command, in order to coöperate with the forces which are embodying for this expedition. I need not add, that no time is to be lost, as the operations of the enemy in New-Jersey give a favourable opening for a sudden and vigourous enterprise, which we have no reason to expect will be of long continuance.

"I am, sir, your most obdt. humb. servt.

"By order, &c."

Ordered, That a copy thereof be signed by the Chairman, and transmitted.

Ordered, That Mr. Moore and Mr. Little be added to the committee appointed on the 12th ulto. for taking care of the poor in this State.

An account of rations furnished to the prisoners of war lately stationed at Poundridge, amounting to one hundred and seven dollars and $\frac{34}{90}$ths of a dollar, computed at $\frac{3}{90}$ths of a dollar per ration, was read. Thereto is annexed a charge of $134.90 for taking care of Jeremiah Reerdor and Cæsar Freeman; and of two dollars and $\frac{23}{90}$ for medicine and attendance by Doctor Benjamin Miller; which last charges fortaking care of the sick and for medicines, the Secretaries of the Convention alleged they, as commissaries, are not authorized to discharge without the order of this Committee of Safety.

Ordered, That the Secretaries or any one of them, discharge the said account for medicine and attendance at the same time that they discharge the account of rations, and charge the same in and with the said account.

Major Lockwood informed the Committee of Safety that he had paid three dollars to the messenger he sent lately with intelligence to this Committee.

Ordered, That Mr. McKesson, one of the Secretaries, pay the said three dollars to Major Lockwood, and charge the same to this Committee.

The covenant of the Convention of the New-Hampshire Grants, held at Dorset on the twenty-fifth of September last, was read.

Extracts from the minutes of the said Convention held at Dorset, were also read.

Ordered, That they be committed to the committee to whom was referred the letter from the committee of Cumberland county, dated the 21st day of July last.

And on request of Mr. Duane and the members of Cumberland,

Ordered, That they be and are hereby discharged from that committee; but that on request, they attend the said committee to give them information of the temper of the inhabitants of Charlotte, Cumberland and Gloucester counties, or any other matter proposed to the gentlemen discharged from the committee.

FRIDAY MORNING,

Decr. 13th, 1776.

The Committee met pursuant to adjournment.

Present—Matthew Cantine, Esqr. *Chairman*.

Mr. Duane, Mr. Dunscomb, Mr. Rutgers, Mr. Roosevelt, Genl. Scott Mr. Robt. Harper—*For New-York*.

Mr. Adgate, Mr. Abraham Yates—*Albany*.

Mr. Smith, Mr. Miller—*Suffolk*.

Col. De Witt, Mr. Cantine, Mr. Tappen, Mr. Ray, General George Clinton—*Ulster*.

Mr. Landon, Mr. R. R. Livingston, Mr. G. Livingston—*Dutchess*.

Mr. Little, Mr. Wisner—*Orange*.

Col. Drake, Major Lockwood, Mr. Morris, Genl. Morris—*Westchester*.

Mr. Moore, Mr. Newkirk, Mr. Harper—*Tryon*.

Col. Williams, Mr. Webster, Mr. Duer—*Charlotte*.

Mr. Sessions—*Cumberland*.

Mr. Duer, one of the committee appointed on the inst. to go to New-Windsor and concert measures with General George Clinton, relative to calling out the militia of Orange and Ulster counties to join General Gates or General Lee, reported a letter which he had wrote to General Gates; the said letter is dated at Dobson's tavern, Decr. 9th, and is as follows, vizt:

"Sir—Since the resolutions which are referred to and enclosed in the above letter were agreed to, General Clinton and myself were requested by the committee to proceed to Goshen, where we understood you were expected this in order to know the routes which the troops under your command propose taking, and confer with you on other matters which are the object of these resolutions. I am sorry we are not fortunate enough to meet with you; but from the intelligence we have received from your Aid-de-camp, Major Pierce, and from the route General Lee has taken through , we find that the intention of both your armies is to join General Washington, and not to form a separate army, in order to fall on the enemy's

rear. In compliance, therefore, with his orders, General Clinton will be under the necessity of conforming himself to the object specified in the resolution marked No. 7, unless he should learn from General Lee or yourself that your intentions are to form another army on the rear of the enemy.

"For this purpose he desires me to inform that he will immediately order his troops to rendezvous at the place called the City, near in Orange county, at the parting of the roads which leads to Tappan and Pyramus, when he will be ready to obey your orders, as far as they are consistent with the object of the enclosed resolutions. The force he will have with him, will consist of about fifteen hundred men.

"By the latest account we hear that General Washington is daily receiving strong reinforcements from the militia of Jersey and Pennsylvania; in consequence of which, he may probably be induced to form an army for the purpose of hanging on the enemy in rear. he made acquainted with the measures pursued by the Convention of the State of New-York.

"I have therefore to request the favour of you to have copies of the Committee's letter to you, of the enclosed resolutions, transmitted immediately by express to His Excellency General Washington and to Major-Gen. Lee, in order that they may pursue such measures as they shall judge best calculated for the general good.

"I am, sir, with great respect,
"Your obedt. hble. servt.
WM. DUER.

"Major-Gen. GATES.

"Dobson's Tavern, Decr. 9th, 1776,
"10 o'clock at night."

The resolutions of yesterday, relative to the Westchester expedition, after some time spent thereon, were recommitted to the same committee, and to General Scott and Colonel Drake.

General George Clinton informed the Committee that General Schuyler has, by letter, informed him that he had directed the committee of Albany to forward timber, boards and tar, for the obstruction of Hudson river. The Committee are farther well informed, that logs sufficient for that purpose are easily obtained near the place of obstruction, and from experiments already made, at a much cheaper rate than they can be procured from Albany, and perhaps cheaper than even the transportation from thence.

Ordered, That a letter be written to Major-General Schuyler, requesting him to countermand procuring the logs he has ordered, but to direct the boards and tar to be forwarded.

[A portion of the proceedings appears to be missing.]

JOURNAL

OF THE

COMMITTEE OF SAFETY.

DIE MERCURII, 10 Ho. A. M.

At Fishkill, January 1st, 1777.

The Committee of Safety met pursuant to adjournment

Present—Brigadier-General Abraham Ten Broeck, *President.*
Gen. Scott, Mr. Dunscomb—*New-York.*
Gen. Ten Broeck—*Albany.*
Mr. Wm. Smith, Mr. Gelston—*Suffolk.*
Mr. Tappin, Col. Paulding—*Ulster.*
Mr. James Livingston—*Dutchess.*
Mr. Gil. Drake, Mr. Morris—*Westchester.*
Mr. Little—*Orange.*
Mr. W. Harper, Mr. Moore—*Tryon.*
Mr. Sessions, Mr. Stevens—*Cumberland.*

An additional clause to the letter from this Committee of Safety on the 28th ultimo, to His Excellency General Washington, was read and approved.

Ordered, That a copy thereof be added to the said letter, and that the same be inserted in the minutes of this Committee on the said 28th of December, as an addition to the letter, but dated as of this day.

Ordered, That the Secretaries deliver the colours of the first regiment of New-York troops in the Continental service to General Ten Broeck, to be by him delivered to Colonel Van Schaick.

Whereas the presence of Egbert Benson, Esquire, chairman of the county committee of Dutchess county, is at this critical juncture conceived to be so important in the county that it might greatly prejudice the public service if he should be sent abroad: Thereupon.

Ordered, That Mr. Benson be excused from going to Congress and to General Washington, agreeably to the order or resolution of this Committee on the twenty-third day of December last.

A draft of a letter to His Excellency General Washington, was read and approved, and is in the words following, to wit:

"Sir—We have been informed of your Excellency's order to General Heath, to march to the grand army on the banks of the Delaware, with the troops under his command, excepting only about twelve hundred of the eastern militia. On this occasion we beg leave to lay before your Excellency the true situation of this State. It formerly consisted of fourteen counties, of which five and a part of the sixth are in possession of the enemy, and a considerable part of the inhabitants of the counties of Gloucester, Cumberland and Charlotte appear determined to shake off their dependance upon us, so that above one half is lost; of the remainder, a considerable proportion is disaffected, and ready upon a favourable opportunity to join the enemy. We lately applied to General Schuyler for some of the northern troops to defend the passes in the Highlands and protect the inhabitants of Westchester, who were, notwithstanding General Spencer's and Wooster's troops, cruelly harassed by seven hundred rangers under the command of Colonel Rodgers. He then informed us that no troops could be spared from that quarter, and advised us by no means to call on any of the militia of our northern counties, as he conceived it to be extremely probable that the enemy would attack Ticonderoga this winter, as soon as the frost had rendered the lakes passable.

"Your Excellency well remembers that we are to raise three thousand seven hundred and fifty men for the Continental service. The amount of the fighting men in that part of the State belonging to us is not more than fifteen thousand; whereof, after deducting our Continental proportion, there will not remain above eleven thousand; of which one half at least lying to the northward, the remainder is not at furthest above five thousand five hundred men, many of whom are disaffected and others poor, and in such a situation, that if called away as militia, their families must perish for want of bread, fuel, &c. Add to this that in the next campaign a great part of the wheat to supply the Continental army must come from this State. It is all now in the sheaf and must be threshed, and brought to market during the continuance of the snow. Under all these disadvantages, we have ordered the raising one thousand men to defend the passes in the Highlands, of which we do not expect that upwards of eight hundred can take the field, while the defence of those passes requires at least four thousand.

"Of the eastern militia, which hath been so long expected, only two regiments have yet arrived. General

Howe, we have been informed, hath above five thousand troops in New-York, which together with the garrison of Fort Washington, Rodgers's rangers, and such troops as might perhaps be collected from Jersey, will make no inconsiderable army. On the other hand, if a considerable body of men under an active commander are posted in Westchester, the enemy will not venture to leave New-York without a strong garrison; or if they do, then it may be easily taken from them.

"We are well informed that the British army in New-Jersey are cantoned out in small parties at Bordentown, Trenton, Princeton, Brunswick, Elizabeth Town, New-Ark and Hackensack; and of consequence may be easily attacked at some or other of those places. We are happy to add to these observations, that we can congratulate your Excellency on the advantage you have taken of their dispersed situation; and on the whole, we submit to your Excellency, whether it will be proper to call all the troops to the southward, and by that means expose the barracks, stores, cannon, &c. in this State, together with all the interior country, against which as we are informed from different quarters, an attack is now meditated by the enemy.

"I have the honour to be, &c.

"His Excellency General WASHINGTON."

Ordered, That a copy thereof be engrossed, and signed by the President, and transmitted by a messenger.

The committee to whom was referred the letter from Brigadier-General Clinton, dated the twenty-eighth day of December, the information given to Convention by General Scott and Colonel Allison, and the letter from Colonel P. R. Livingston, dated the twenty-fourth day of December, brought in their report, which was read, adopted and agreed to. Thereupon,

Resolved, That Brigadier-General George Clinton be ordered and empowered immediately to direct the raising of one thousand men, by drafts, or in such other ways as may to him appear most equitable and expeditious, out of the counties of Dutchess, Ulster, Orange and Westchester, to continue in service till the last day of March next.

Resolved, That the committees of the respective counties above mentioned, together with the general and field officers of the militia, in their respective counties, do assist in raising the said thousand men.

Resolved, That they be raised out of each county in the following proportions: three-tenths of Dutchess, two-tenths by Westchester, two-tenths by Orange, and three-tenths by Ulster.

Resolved, That the troops so to be raised, be divided into two regiments, and that the officers of the said regiments be nominated to this Convention by General George Clinton, out of the officers of those four counties who have heretofore been at service.

Resolved, That such men belonging to General George Clinton's brigade, as have reenlisted until the last day of February next, be considered as part of the said two regiments, and deducted from the proportion to be raised in the several counties to which they respectively belong; and that after the said first day of February, they be discharged, and if necessary, others raised in their stead, from the said counties respectively.

Resolved, That the above troops be allowed Continental pay and rations.

Resolved, That whenever any soldier belonging to the above mentioned regiments, shall reenlist in either of the Continental battalions to be raised in this State, that he shall be suffered to join the battalion into which he is so enlisted.

Resolved, That a copy of the above resolutions be sent by express to General George Clinton; that he be further informed that the Convention have requested Major-General Heath to take effectual measures to guard the passes in the Highlands, on both sides of Hudson's river, and acquaint him with the difficulty of retaining the militia of Ulster and Orange counties any longer in service.

Resolved, That Brigadier-General Scott and William Duer, Esqr. be a committee to converse with General Heath, on the matters contained in the above letter to His Excellency General Washington, and that he be furnished with a copy thereof, and be requested to defer his march till an answer is obtained thereto, or some effectual means provided for the security of the passes in the Highlands.

Resolved, That the men under the command of Lieutenant Bower, being enlisted to remain in the district of the Manor of Livingston, ought not to be removed.

Resolved, That Brigadier-General George Clinton, with the aid of the general and field officers, and committees of the said respective counties, do devise and carry into execution such measures as shall appear to them most effectual for arming such of the said thousand men, during the service aforesaid, as are destitute of arms.

Resolved, That one penny per mile be allowed to each non-commissioned officer and private of the said one thousand men, in lieu of all rations, on their march from their respective abodes to the place of rendezvous.

Resolved, That the Secretaries prepare copies of these resolutions to be transmitted to General Heath and General George Clinton.

Resolved, That the committee of the Convention appointed to procure clothing for the Continental troops raising in this State be, and they hereby are, directed and empowered to take such of the clothing now in the possession of Mr. Grant, storekeeper at Fishkill, as will be sufficient to complete the clothing of the said troops, and that the Committee of Safety will indemnify Mr. Grant for the delivery thereof.

Ordered, That the said committee do proceed on the business above mentioned, and do with all possible despatch, return to this Committee, an inventory of the goods by them taken as aforesaid, countersigned by the said storekeeper, (they giving to him a receipt for the said goods,) to the end that the said inventory, together with these resolutions, be transmitted to His Excellency General Washington, and to the Quarter-Master-General.

Ordered, That a mittimus be issued for committing Captain Ford to the jail of Dutchess county, at Poughkeepsie; there to remain till he be thence discharged by due course of law.

The Secretary prepared a draft of a mittimus which was read and approved of, and is in the words following to wit:

"By the Committee of Safety for the State of New-York, }
"Fishkill, January 1st, 1777. }

"*To the Keeper of the common jail of Dutchess county:*

"Whereas, it appears to this Committee of Safety, that Captain Phineas Ford is charged on oath, with having feloniously plundered the goods and chattels of Talman Pugsley, John Martine, and sundry other subjects of this State, in the county of Westchester; you are therefore, hereby commanded to receive into your custody, the body of the said Phineas Ford, and him safely keep in the jail aforesaid, until he shall be thence delivered by due course of law.

"By order of the Committee of Safety."

A copy thereof was engrossed and signed by the chairman.

Ordered, That Captain Stewart, of Col. Dubois's regiment, send a corporal with a small guard to convey Captain Phineas Ford to Poughkeepsie jail, and safely deliver him to the keeper of the said jail.

Resolved, That Captain James Weeks be, and is hereby appointed sergeant-at-arms to the Convention of this State.

Ordered, That Morris Hazard be immediately apprehended, and detained in custody by the sergeant-at-arms until the further order of this Committee, or of the Convention of this State, to answer for a contempt offered to the President and Convention of the Representatives of this State, by insulting and maltreating the President on the road.

Ordered, That Doctor Malachi Treat, be requested to

attend Major-General Heath, and represent to him the distressed state of the sick of the Continental army near Fishkill, and endeavour to prevail on General Heath to direct part of the blankets, sheets and beds formerly seized out of the stores of his Britannic Majesty and now at or any other, to be sent for their relief, and that General Heath be requested to advance so much money to the directors of the hospital at or near Fishkill, as will enable them to procure proper food and other necessaries for the relief of the said sick.

Ordered, That the Treasurer of this State advance to Colonel Lewis Dubois or his order, the further sum of one thousand five hundred pounds for the recruiting service of his regiment, and take his receipt to account for the same.

The Committee of Safety then adjourned until ten o'clock to-morrow morning.

DIE JOVIS, 10 HO. A. M,
January 2nd, 1777.

The Committee of Safety met pursuant to adjournment.

PRESENT—General Scott, Mr. Dunscomb—*New-York*.
Mr. James Livingston, Mr. R. R. Livingston—*Dutchess*.
Mr. Gelston—*Suffolk*.
Mr. Gil. Drake, Mr. Morris—*Westchester*.
Mr. Harper, Mr. Moore—*Tryon*.
Mr. Tappin, Mr. Rea—*Ulster*.
Mr. Little—*Orange*.
Mr. Sessions, Mr. Stephens—*Cumberland*.

James Livingston, Esquire, was unanimously chosen Chairman until the arrival of the President or Vice-President.

An account of John R. Livingston against this State for bounty on powder made before the ninth day of June last, and amounting to the sum of two hundred pounds, was produced to the Committee of Safety for payment.

Ordered, That Mr. Tappin and Mr. Moore be a committee to examine the said account, and compare it with the resolutions giving a bounty on the manufacture of gunpowder, and report thereon.

WHEREAS the State of New-York had lately made six new brass fieldpieces, six pounders, for the defence of the State, which have been removed out of, and at a distance from the State, with the Continental army; and the Committee of Safety are informed [that] General Heath is about to remove the fieldpieces, now at Peeks Kill, out of this State:

Resolved, That Major-General Heath be requested to direct that an equal number of brass fieldpieces, six pounders, be left at Peekskill, for the defence of this State, if consistent with the public service, until those belonging to the State are returned, or they may appear less necessary for its defence, than at present.

A draft of a letter to Major-General Heath was read and approved of, in the words following, to wit:

"SIR—The Convention direct me to enclose you a resolution relating to some brass cannon, which were cast at the expense and for the use of this State. As these cannon were taken by His Excellency General Washington to the southward, and as you are about to march into Jersey with a great part of the troops under your command, where you will probably choose to take a considerable part of the Continental cannon you have with you, we should thereby be deprived of these necessary weapons of defence, which we are confident, sir, you will, with your usual candour, acknowledge to be highly unjust. We are, therefore, to entreat you that you will leave some light fieldpieces at Peekskill, for the use of the State, which will much oblige the Convention.

"I am your most humble servant.

"Major-General HEATH."

Ordered That the Chairman sign a copy thereof, and that it be transmitted.

On motion of Mr. Jay,

Ordered, That the committee appointed to see Lady Mary Johnson fixed in a place of residence, report to this Committee their proceedings in pursuance of that appointment.

Ordered, That Mr. Mathias B. Miller be and is hereby appointed surgeon to Colonel David Sutherland's regiment of militia, which is in actual service.

The Committee of Safety are informed that a certain John Davis, a native and inhabitant of Middletown, in Connecticut, and now or late a soldier in Colonel Bradley's regiment, from Connecticut, is at the door of the Committee with the small pox breaking out upon him, whereof he desires information may be given to this Committee.

Ordered, That Mr. Moore and Mr. Little, two of the committee for taking care of the poor, provide, or direct to be provided, proper lodgings, wherein to place the said John Davis until his recovery; and that the said committee report their proceedings and expense, in pursuance of this order.

Ordered, That the respective committees appointed to report a proclamation for a general fast, and a proclamation of a general pardon to all persons who have joined the enemy, and shall return within a limited time, do bring in their respective reports to-morrow.

Ordered, That the committee appointed to report an ordinance of sequestration of the estate of such persons as have gone over to or joined the enemy, report to-morrow.

The committee appointed to devise ways and means to enable the several county committees to defray their contingent charges, brought in their report, which was read.

Ordered, That the farther consideration thereof be postponed till to-morrow.

A draft of a letter to Colonel Henry Van Rensselaer, at Claverack, was read and approved, and is in the words following, to wit:

"SIR—By a resolution passed the day of November last, you were appointed a commissioner to borrow money for the use of the Continent, agreeable to order of the third day of October last; since which we have not heard whether you accepted the commission, or have done any thing in execution thereof. We wish to hear from you as soon as possible on this subject, as a matter of so much importance ought not to be neglected.

"I am, &c.

"Colonel HENRY VAN RENSSELAER."

Ordered, That a copy thereof be engrossed, and signed by the Chairman, and transmitted.

A letter from John Schenk, Esquire, by Mr. Samuel Patrick, together with an account of the said Samuel Patrick, against Fort Montgomery, was read,

Ordered, That the said letter and account be referred to Colonel Tappen and Mr. Gelston, who are hereby directed to examine into the same and report.

Resolved. That the members of Convention, who compose the committee for appointing and arranging the officers of the Continental regiments raising in this State, do immediately attend this Committee of Safety.

The Committee of Safety adjourned till 10 o'clock tomorrow morning.

DIE VENERIS, 10 HO. A. M.
January 3rd, 1777.

The Committee of Safety met pursuant to adjournment.

PRESENT—James Livingston, Esquire, *Chairman*.
Mr. Dunscomb, Mr. Roosevelt, Mr. Robert Harper—*New-York*.
Mr. James Livingston, Mr. R. R. Livingston, Major Schenk—*Dutchess*.

Major Webster—*Charlotte.*
Mr Smith, Mr. Gelston—*Suffolk.*
Mr. Morris, Colo. Drake—*Westchester.*
Mr. Sessions, Mr. Stephens—*Cumberland.*
Mr. Reed, Mr. Tappen—*Ulster.*
Mr. Little—*Orange.*
Mr. Moore, Mr. Harper, Mr. Newkirk—*Tryon.*

Mr. Moore, appointed yesterday to provide lodgings for John Davis, a discharged soldier from Colonel Bradley's regiment of Connecticut troops, and having the small pox, reported to the Committee that he has placed him at the house of Samuel Baxter, near Wappinger's kill.

Ordered, That Colonel Chevers be requested to lend to Captain Stewart, of Colonel Dubois's regiment, arms and ammunition for four men, for the purpose of guarding a prisoner to Poughkeepsie jail; the said arms and ammunition to be returned to Colonel Chevers on the return of the said guard.

Mr. Morris informed the Committee that the sergeant-at-arms is at the door with Morris Hazard in his custody, pursuant to the order of yesterday.

Ordered, That the sergeant-at-arms bring his said prisoner to the bar of this House.

The prisoner being brought to the bar, was informed by the Chairman, that he is charged with a contempt offered to the President and Convention of the representation of this State of New-York, by insulting and mal-treating the President on the road.

Morris Hazard, on his part, says, that he turned his horse out of his road, but the horse being fractious got into the road and came toward the President, which occasioned the dispute; that he did not know the President; that what he said was inadvertently, and that he is very sorry for it; he denies of having told the President he knew him.

The prisoner was informed that his account of his conduct differs materially from the information given by General Ten Broeck, and he is at liberty to have any evidence called in for his justification or mitigation of his offence.

The prisoner says Mr. David Clarkson, Junr. was the only witness present; that he is now in Jersey, and that he is sorry for his conduct.

The prisoner withdrew.

Resolved unanimously, That Morris Hazard did insult the President.

Resolved unanimously, That Mr. Hazard be called in, and that he ask pardon of this House for the insult he offered to the President, and through him to the Representatives of the inhabitants of this State.

Mr. Morris Hazard came in, and at the bar of the House asked pardon accordingly.

Ordered, That he be discharged from the custody of the sergeant-at-arms, on paying to the sergeant his fees.

A letter from Henry Wisner, Esqr. was read, and is in the words following, to wit:

"*Orange Town, Decr. 24th*, 1776.

"Dear Sir—Since my letter of yesterday morning, I have been visiting the different battalions of militia, and finding them so exceeding uneasy that I am afraid that notwithstanding every thing that can be said and done, the people, or at least many of them, will go home. The situation of their families is so very distressing that no argument can prevail with them. Many of them left their families without wood, without meal and without fodder at home for their cattle, as many of those near the drowned land depend entirely on those meadows for support of their stock, many of their families without shoes at home, and some of them little better here for the above, and many other reasons, I am sure you will, as far as possible. A large number of cattle in Orange have lately been bought up for the Philadelphia market, which I am afraid will cause a scarcity of beef. I beg your advice, whether it will not be best to stop the cattle for the use of the army. I am determined to stop them till I hear from you. I shall go home to-morrow.

"I am, sir, your humble servant,

"HENRY WISNER."

Resolved, That this Committee do approve of Mr. Wisner's conduct relative to the said cattle mentioned in this letter.

Ordered, That the said letter be referred to Mr. Tappen and Mr. Little, to report thereon.

A letter from Messrs. Hobart and Landon, dated at Peekskill on the 2nd instant, relative to the militia ordered to North Castle; and enclosing a printed copy of the American Crisis, No. 1, which letter is in the words following, to wit:

"*Peekskill, January 2nd*, 1777.

"Sir—It gives me real concern to observe the militi coming in so slowly, especially as these posts are to ba left by the eastern militia, who are ordered to New-Jersee to harass the army against General Washington; who, by express, has informed General Heath that Count Donop was retreating towards South Amboy; that his own army was reinforced and become very respectable; that the van, under the command of Generals Ewen and Cadwallader, had crossed the Delaware; that he should follow with the Continental troops as soon as they were recovered of their fatigue; that he had ordered the Generals McDougal and Maxwell to harass the enemy in flank, and desired General Heath to cross over with the troops at this post and endeavour to drive them from the eastern part of New-Jersey, it being the General's intention to force them back to New-York, if possible, or at least to confine them to the sea-coast of New-Jersey, and by that means straighten them in their quarters. We flatter ourselves that this favourable turn in our affairs will forward the recruiting service, and that the battalions will soon be completed; that we may have a body of troops to oppose the enemy, should they, in the rage of disappointment, attempt the passes on this side the river, little or no dependence being to be placed on the militia.

"We wish the Convention would order down a number of the addresses or proclamations, to be distributed in this county. Enclosed we send you the American Crisis, No. 1, and we are,

"Your most obt. servts.

"JOHN HOBART,
"JONTH. LANDON.

"Honble. Abraham Ten Broeck, Esqr.
President of the Convention."

The American Crisis, No. 1, was read.

Ordered, That Mr. Loudon reprint the said pamphlet, and this Committee of Safety engages to take of him one thousand copies.

Resolved, That the bounty by a resolution of the Convention of the ninth day of June, 1775, directed to be given for all gunpowder manufactured within this State until the ninth day of June, 1776, be and hereby is extended to all gunpowder manufactured as aforesaid, from that time until the ninth day of June, 1777.

An affidavit of Abraham Theal, relative to the conduct of Malcom Morrison; the petition of John Bloomer, of Marmaroneck, confined in jail of Springfield, in the State of Massachusetts Bay; the proposal of Cadwallader Colden as to his future conduct, if he may be permitted to reside on his farm, and a letter from John Beebe, chairman of the committee of Kings district, and H. B. Whiting, of Kings district, dated 30th December, 1776, complaining of an improper appointment of militia officers, were all respectively read.

Ordered, That the said affidavit, letter and papers be referred to the committee for inquiring into, detecting and defeating all conspiracies, &c. in this State; and

Ordered, That the committee be ordered to report their opinion on the letter from John Beebe and H. B. Whiting.

A member handed to the Chairman the following letters,

which were brought by one Henry Franklin, from Long island, to wit, a letter directed to the Honble. William Smith, Esquire; one other letter directed to Colonel Robert Livingston; one other directed to Mr. Henry Livingston, at Colonel Robert Livingston's, and one other directed to the Countess of Sterling.

Ordered, That Mr. Robert R. Livingston and Mr. Morris examine and inspect those letters.

Mr. Tappen, from the committee to whom was referred the account of Samuel Patrick, delivered in their report, which was read, and is in the words following, to wit:

"Your committee to whom was referred the account of Samuel Patrick:

"*Resolved*, That they have perused the said account and the minutes of this Convention, and find that Captain John Schenk hath been appointed an agent by this Convention to supply the articles included in the said account. And it appears to your committee, by a letter of the said Captain Schenk, that he hath agreed with the said Mr. Patrick for the same, at the prices the Honorable General Congress do or did allow at the time the articles were delivered at Fort Montgomery; but as the prices on the several articles charged in the said account do appear very high, and your committee have not had it in their power to be informed of the prices given for such articles by the General Congress, your committee are of opinion that the said account ought to be paid by the Paymaster-General, as General Washington has, by his letter to this Convention, dated September 12th, 1776, approved of the appointment of Captain Schenk and of the articles ordered by this Convention to be supplied by him."

Resolved, That this Committee of Safety agree with their committee in the said report.

The committee for auditing accounts brought in the account of Thomas Pettit by them allowed.

Ordered, That the Treasurer of this State pay to Thomas Pettit, in full for his services as doorkeeper of the Convention, to the 31st day of December, and his account of disbursements, the sum of £36 0*s*. 6*d*. agreeable to his account, and audited and reported this day by the committee for auditing accounts.

The committee for auditing accounts, brought in the account of Uriah Mitchell, messenger, by them allowed.

Ordered, That the Treasurer of this State pay to Uriah Mitchell the sum of forty-seven pounds eight shillings, in full for his services as an express rider to the Convention of this State, agreeable to the report of the committee for auditing accounts, delivered in this day.

The committee to whom was referred a letter from Brigadier-General Petrus Ten Broeck, brought in their report, which was read, amended and adopted. Thereupon the Committee of Safety agreed and entered into the resolutions following, to wit:

"Whereas the greater part of the privates in Col. Graham's regiment of militia, living in Rhinebeck precinct, in the county of Dutchess, within this State, and being disaffected to the same, did on the 30th day of December last not only refuse to obey the resolutions of the Convention of this State of the twenty-first of December aforesaid, by which they were ordered to march to the defence of the passes in the Highlands, but did also most contumaciously prevent those who were well affected, from obeying the said resolutions: And whereas it is essentially necessary to the well being of civil society that the laws of such society be in all things duly executed, and that disobedience to the commands and denial of the authority of the Legislature, be punished as well to awe the guilty as to deter others from engaging in such pernicous designs:

Forasmuch therefore as the said disaffected persons in the militia aforesaid, have openly disavowed the authority of that government derived from and instituted by the people of this State, and shamefully broken the faith by them through their Representatives to the said government pledged, and refusing to march to the defence of their own wives, children and estates, and of the liberties of this State:

Resolved unanimously, That the said militia be forthwith compelled to march according to the form and effect of the said resolutions of the 21st of December, that is to say, that one-third part of the said militia do march to New-Windsor, one-third part thereof to Peckskill, and one-third part thereof to North Castle; and although the Convention repose the highest confidence in the zeal and activity of the committee of the county of Dutchess, yet as the number of which that body consists, would render it very expensive and burdensome for them to execute the following resolutions:

Resolved unanimously, That Egbert Benson, David Johnston, Walter Livingston, Ephraim Paine, Ezra Thompson, Jacobus Swartwout and Israel Thompson, Esquires, or any four of them, be, and they are hereby appointed, commissioners to execute these resolutions; being empowered to take to the advice and assistance the committee of Rhinebeck precinct aforesaid, whensoever and as often as they think proper, and have every power which may be necessary for the purpose of executing these resolutions; and that each of them be allowed the sum of ten shillings per day, for their maintenance during the time in which they shall be employed therein.

Resolved unanimously, That the two regiments of militia belonging to the north end of the county of Ulster, be dismissed by General Clinton from their present duty, and that two hundred men be drafted thereout, and put under the command of a field officer, and ordered to repair to the Flats in Rhinebeck precinct, in the county of Dutchess, on the 13th day of January instant, and that they be under the direction of the above mentioned commissioners.

Resolved unanimously, That the said commissioners do cause the said militia to muster at such times and places as they shall in their discretion think proper, and that they be empowered to levy a fine not exceeding thirty pounds, from such of the said militia as shall neglect or refuse to appear at such times and places respectively, and that the amount of such fines be paid into the Treasury of this State.

Resolved unanimously, That the said commissioners be, and they are hereby directed and empowered, to take such ways and means as they in their wisdom shall think proper to cause the said militia to march in the manner above directed; and in case the said militia, or any part thereof, shall prove refractory, and obstinately refuse to obey the authority of this State, that in such case the said commissioners be, and they hereby are, directed and enjoined to cause the said detachment to fire upon, and otherwise treat them as open enemies to this State.

Resolved unanimously, That the said commissioners be, and they hereby are, directed and empowered to take such ways and means, as they, in their discretion, shall think proper, to discover, arrest and secure the principals in the said riot and disaffection; and for that purpose, they be empowered to send for persons and papers.

Resolved unanimously, That the said commissioners be, and they are hereby directed and empowered to tender to such persons in the precinct aforesaid as they may think proper, the following oath of allegiance, to wit:

"We, the subscribers, do most solemnly swear that we renounce all allegiance to the King of Great Britain; that we will be good and true subjects to the State of New-York; that we will be good to the utmost of our power, defending the said State against the enemy, and that we will discover all plots and conspiracies against it, which may come to our knowledge; and we pray God Almighty so to help us, as we do faithfully and sincerely keep this oath."

And that they be further directed and empowered to disarm and secure such of those who shall refuse to take and subscribe the said oath, as they, in their discretion shall think meet.

Resolved unanimously, That all and every person and persons so as aforesaid arrested and secured by the said commissioners, be sent to the common jails of the counties of Ulster and Dutchess, and the jailers of the said jails are hereby directed to receive and keep all such persons in custody, in the manner by the said commissioners directed.

Resolved unanimously, That the Treasurer of this State do pay to Egbert Benson, Esquire, the sum of three hundred pounds, for the use of the said commissioners, to defray the expenses of executing these resolutions.

Resolved unanimously, That the said commissioners be, and they are hereby directed and empowered to billet the detachment of troops aforesaid, as they shall think proper.

Resolved unanimously, That the said commissioners do make return to this Convention of the manner of executing these resolutions.

A draft of a letter to the commissioners for executing the preceding resolutions, was read and approved of, and is in the words following, to wit:

"GENTLEMEN—Reposing an especial trust and confidence in your abilities, discretion, activity and zeal for the cause of American freedom and independence, the Convention of this State hath appointed you to be commissioners for executing the enclosed resolutions. You are to attend at Rhinebeck Flats, at the house of Jacob Tremper, on Sunday the twelfth instant, and requested to keep this matter a secret.

"I am, &c.

"To

"Commissioners."

Ordered, That a copy thereof be engrossed, and signed by the Chairman, and transmitted by a messenger.

The Committee of Safety then adjourned till 10 o'clock to-morrow morning.

DIE SABBATI, 10 HO. A. M.

January 4th, 1777.

The Committee of Safety met pursuant to adjournment.

PRESENT—James Livingston, Esquire, *Chairman*.

Mr. Dunscomb—*New-York*.

Mr. Smith, Mr. Gelston—*Suffolk*.

Mr. Tappen, Mr. Rea, General Clinton—*Ulster*.

Mr. Little—*Orange*.

Mr. James Livingston, Mr. Gilbert Livingston, Mr. Henry Schenk—*Dutchess*.

Col. Drake, Mr. Morris—*Westchester*.

Mr. Moore, Mr. Harper, Mr. Newkirk—*Tryon*.

Mr. Session, Mr. Stephens—*Cumberland*.

Mr. Webster—*Charlotte*.

The committee for auditing accounts, brought in the accounts of Sampson Duyckman, one of the riders, audited and allowed for the sum of one hundred and fifteen pounds, in full for his services as an express rider.

Ordered, That the Treasurer of this State pay unto Sampson Duyckman the sum of one hundred and fifteen pounds, in full for his services as an express rider to the Convention of this State, to the third instant, agreeable to his accounts, and report of the committee thereof, read and approved this day.

Resolved, That Brigadier-General Petrus Ten Broeck forthwith order the militia in Rhinebeck precinct to be warned, to hold themselves in readiness to march at an hour's warning, and that the sergeants who warn, be directed to mention to each man, that if he should abscond, or depart from home, without leave of the commanding officer of his company, or not appear when warned, a fine of thirty dollars will be levied on his estate.

Ordered, That the Chairman transmit a copy thereof to General Petrus Ten Broeck, and request him to cause the same to be put in execution, with spirit, punctuality and despatch.

The petition of John Bloomer, late of Marmaroneck, in the county of Westchester, but now a prisoner confined in the jail of Springfield, in the State of Massachusetts Bay, setting forth his wants and sufferings, and praying to be removed to the Oblong, or elsewhere, and discharged on his parol of honor, was read.

A letter from Moses Church and John Pinchon, two of the committee of Springfield, dated on the 16th of December, 1776, covering said petition, and stating that said John Bloomer was a prisoner in the jail of Springfield aforesaid when it was broken open, and had an opportunity to escape, but did not, was also read.

Ordered, That the said petition and letter be referred to the committee for inquiring into, defeating and detecting conspiracies.

Mr. Jay, from the committee for inquiring into, detecting and defeating all conspiracies, which may be formed in the State of New-York, against the liberties of America, to whom was referred the petition of John Bloomer, reported a resolution, which was agreed to as follows, to wit:

"*Resolved*, That this committee know of no charge against the said John Bloomer, and that inasmuch as the said John Bloomer is a subject of this State, and therefore hath an undoubted right to a trial in it, that it is the opinion of this committee that a letter should be written by the Convention to the committee of Springfield, requesting them to send the said John Bloomer, under guard of one man, to the Convention of this State, together with such charges as may be lodged with them, or the keeper of their jail, against him; and that the Convention will provide for the payment of such expenses as may attend their compliance with this request.

"By order of the Committee.

"JOHN JAY, *Chairman*."

"*3rd January*, 1777."

The petition of John Beebe, chairman, and W. B. Whiting, on behalf of the committee and the militia officers of Kings district, dated 30th December last, alleging that ever since there was a necessity for sending men into the field in defence of the liberties of America, the officers and soldiers of that district have been prompt to engage, and have risked every thing in the common cause; notwithstanding which, there has never been any appointment made of a field officer in that or the neighbouring district among the English people; and that, of the last appointments, no officer, from the highest to the lowest, is of the said district; which is considered as treating that and the neighbouring districts slightingly, and very detrimental to the public, as the soldiery of that quarter are averse to enter into service under strangers; and praying that proper encouragement for exertion may be given to every friend of the United States of America by the appointment of officers of their own districts and acquaintance, was read.

Ordered, That the said petition be referred to the committee appointed for inquiring into, detecting and defeating conspiracies.

The committee to whom was referred the petition of John Beebe and Colonel Whiting of Kings district, reported that the said committee were of opinion that if no militia officers are appointed from Kings district, that the Convention ought immediately to appoint them; which report was approved of.

A pay roll of Captain Samuel Dellivan's company of rangers, raised in the manor of Cortlandt, from the sixth day of November last until the last day of December following, amounting to one hundred and ninety-four pounds five shillings and eight pence; also a billeting roll for the billet or subsistence of Captain Samuel Delavin's company of rangers, from the said sixth day of November last to the 31st day of December, both days included, were exhibited to the Convention for payment; the said billeting rolls amounting to one hundred and forty-four pounds ten shillings and eight pence

On the said billeting roll is endorsed an affidavit of the said Samuel Delaven, sworn this day before the Chairman, that the said billeting roll is a just and true muster roll of his company for the time therein specified, containing the names of the officer, non-commissioned officers and privates for the time therein named; and the said subsistence roll is just and true for the time therein specified.

On the said roll is farther endorsed a certificate of the committee for auditing accounts; that they have examined the said pay roll and subsistence roll, and find the just amount to be three hundred and thirty-eight pounds sixteen shillings and four pence.

ALEXR. WEBSTER,
BENJN. NEWKIRK,
Committee.

Ordered, That the Treasurer of this State pay to Captain Samuel Delavin, for the pay of his said company, the sum of one hundred and ninety-four pounds five shillings and eight pence, in full for their pay to the 31st day of December included; and that the said Treasurer also pay to the said Samuel Delivan the further sum of one hundred and forty-four pounds ten shillings and eight pence, in full for the billeting roll, or weekly allowance for billeting, to the thirty-first day of December last, included, amounting together to the sum of three hundred and thirty-eight pounds sixteen shillings and four pence; taking a receipt for the same.

A roll of the pay and subsistence of Captain Alexander Baldwin's company of rangers, raised in the county of Albany, stating their pay and subsistence from the first to the thirty-first day of December, both days included, was exhibited for payment.

On the back of the said pay roll is endorsed an affidavit of Captain Alexander Baldwin; that the same is a just and true pay and subsistence roll of his company for the time therein specified; containing the names of the officers, non-commissioned officers and privates of the said company.

Thereon is further endorsed a certificate of the committee for auditing accounts, in the words following:

"We, the subscribers, a committee appointed by the Convention to audit accounts, have examined the within pay and subsistence roll, and allow the sum of three hundred and thirty-one pounds six shillings and two pence due to Captain Baldwin.

"ALEXANDER WEBSTER,
"BENJAMIN NEWKIRK,
"*Committee.*"

Ordered, That the Treasurer of this State pay to Captain Alexander Baldwin, on his receipt, the sum of three hundred and thirty-one pounds six shillings and two pence, in full for the pay of the company of rangers whereof he is captain; and also in full for their billeting or subsistence money from the first to the thirty-first day of December last, both days included.

On the application of a member on behalf of Mrs. Catharine Hazard, the wife of Mr. Morris Hazard, now employed in the Continental service, and her three sisters,

Resolved, That Mrs. Catharine Hazard, with a servant lad named William McDaniel, be and is hereby permitted to go to Nassau island for the purpose of bringing her children and family, with permission to return to this place.

Resolved, That Elsie Schenk, Elizabeth Schenk and Mary Magdelen Schenk, be permitted to go to Nassau island and to their parents.

Resolved, That the above women, previous to their departure, do take an oath before the President of the Convention, or the Chairman of the Committee, that they or either of them will not take with them any letters or papers but such as shall be first produced to this Committee for their inspection, nor convey any intelligence whatsoever relative to the measures pursuing by this or the United American States.

Ordered, That a letter be wrote to General Heath, informing him of the state of the forts in the Highlands; that in the opinion of this Committee the garrisons of the said forts cannot with safety be withdrawn.

Ordered, That a letter on the same subject be written to the secret committee of convention now at Peekskill, and that Mr. Tappen and Mr. Livingston prepare drafts of those letters.

A draft of a letter to Major-General Heath, was read and approved, and is in the words following, to wit:

"SIR—We are now informed that you have ordered the companies of rangers, raised in the county of Albany, commanded by Captains Baldwin and Bratt, now in Fort Constitution, to Peekskill; we have also been informed that the said forts are so very weak that if any of the garrison be drawn out there will not be a sufficient number of men to mount guard. However, if you think it necessary for the good of the service to draw them to Peekskill, or any other part of this State, in which they can be most advantageously placed, we shall submit them to your direction. If the said companies could have been spared out of the garrison, we could have wished they had been employed in the county of Westchester, which county has been much neglected.

"We are, sir, with great esteem, yours, &c.

"Major-General HEATH."

Ordered, That a copy thereof be engrossed, and signed by the Chairman, and transmitted.

A draft of a letter to the committee of Convention at Peekskill, was read and approved, in the words following, to wit:

"GENTLEMEN—By a letter this day presented to the Committee of Safety, dated Fort Constitution, 4 o'clock this morning, directed to Colonel Swartwout, from Captain Schenk, at present commanding officer at that post, informing that Captain Baldwin and Bradt's companies of rangers are ordered immediately to march to Peekskill by Major-General Heath. Whether this order is in consequence of advice given to General Heath by you, (under whose directions those rangers are put,) or whether he has ordered them down in order to strengthen his party going over the river, or to guard the passes on this side of the river, we are entirely at a loss to determine. We enclose you a copy of our letter to Major-General Heath on that subject.

"Yours, &c.

"To the Secret Committee for carrying on an expedition into Westchester county."

Ordered, That a copy thereof be made, and signed by the President, and transmitted.

Resolved, That General George Clinton be and he is hereby empowered to dismiss all the militia of the counties of Ulster and Orange, excepting only five hundred men, to be commanded by such officers as General Clinton shall appoint; that the said five hundred men do continue in service until the regiments, by a resolution of the first instant, directed to be raised for three months, shall be completed, and no longer; and while they do continue in service they be entirely under the command of General Clinton, to be stationed and disposed of as he shall think most expedient for the public service.

Mr. Moore moved, in substance, and was seconded, that the sum of four hundred and four pounds fourteen shillings and two pence, be sent to the committee of the county of Charlotte, on account of the pay and subsistence of the rangers raised in the said county; and that the sum of one hundred and twenty pounds for the bounty of twelve men of the said rangers, at ten pounds each, be also transmitted to the said committee, and that they be directed to return the pay and subsistence rolls of the said companies of rangers, properly authenticated, as vouchers for the same.

Ordered, That the sum of four hundred and four pounds

thirteen shilling and two pence, be transmitted to the committee of the county of Charlotte, to be applied for the pay and subsistence of the rangers raised in the said county; and the further sum of one hundred and twenty pounds to be applied for the bounty of twelve of the said rangers, amounting together to the sum of five hundred pounds fourteen shillings and two pence; that the committee of Charlotte county return muster rolls of the said several companies of rangers, containing their pay and subsistence rolls, duly and properly sworn to and authenticated, as vouchers for the said moneys; and that they also return a roll of the names of the several men to whom the said bounty shall have been paid.

Ordered, That the Treasurer pay to Major Alexander Webster, on his receipt, the sum of five hundred and twenty-four pounds fourteen shillings and two pence, to be by him transmitted to the said committee of Charlotte county.

Resolved and Ordered, That all the stray cattle, sheep and hogs already taken up in the county of Westchester, and such stray cattle, sheep and hogs as may, during the winter be taken up in the said county, and for which no owners are known, be advertised and disposed of by the Messrs. Joseph Strong and William Miller or either of them, in the manner directed by certain resolutions of the Committee of Safety, made and passed on the second day of December last, for the disposition of the stock sent by Major-General Lee to the pastures of Colonel McDaniel, at Bedford.

DIE LUNÆ,

January 6th, 1777.

The Committee of Safety met pursuant to adjournment.

PRESENT—James Livingston, Esqr. *Chairman.*

Mr. Smith—*Suffolk.*

Mr. Tappen, Mr. Rea—*Ulster.*

Mr. James Livingston, Mr. R. R. Livingston, Mr. Henry Schenk—*Dutchess.*

Mr. Little—*Orange.*

Mr. Morris—*Westchester.*

Mr. Moore, Mr. Harper, Mr. Newkirk—*Tryon.*

Mr. Webster, Mr. Duer—*Charlotte.*

Mr. Stephens—*Cumberland.*

Several letters received from New-York by Major Fish, were read and examined, and ordered to be sent to the persons to whom they are directed.

A letter without signature, directed to Robert G. Livingston, dated at New-York, December 30th, 1776, was read, and is in the words following, to wit:

"God bless you, dear Boddy, and John; go to Brunswick and sign the Declaration, if not, you'll suffer. I would not advise you to come to New-York: get old Mr. Livingston to send it in writing, which will be sufficient. I have wrote in mysterious terms, for prudent reasons; likewise I have altered my hand. It is the advice of a blood relation, and a person who loves you both equal to himself; you may rely those who do not come in will be left to the mercy of three thousand Hessians, next spring; truth, you may rely. Mr. Wallace is in New-York, who treats me well: God bless all the family.

"You may as well go to Hackensack: do not be a rebel any longer: I live with Stuyvesant."

Ordered, That the said letter be referred to the committee of the Convention of this State appointed for detecting conspiracies.

Mr. Duer informed the Committee that he had received information that a quantity of effects and a considerable sum of hard money, the property of a person who is gone over to the enemy, is deposited in the neighbourhood of this place.

Ordered, That the committee appointed for detecting conspiracies, &c. be and are hereby authorized and directed to cause the said effects and money to be seized and kept in safety until the further order of this Committee; and that they report to the Convention or this Committee their proceedings in the premises.

Mr. Moore informed the Committee that there are two horses at Mr. Gauslang's, in the neighbourhood, kept at public expense, which horses were taken by Colonel Van Rensselaer from one Moses Shaw.

Ordered, That Mr. Moore, Mr. Wm. Smith and Mr. Rea, be a committee to inquire into the premises, and dispose of those horses as to them shall seem meet.

Ordered, That Nathaniel Sacket, Esquire, be added to the secret committee appointed on the 19th day of December last, for carrying on an expedition into Westchester county, &c.

Captain James Stewart of Colonel Dubois's regiment, sent in a report of the escape of Captain Phineas Ford, endorsed on a copy of the order of the first instant, directing Captain Stewart to send a guard with Captain Ford to Poughkeepsie jail; which report is in the words following, to wit:

"*To the Honourable the Convention of the State of New-York, or in their recess, the Committee of Safety of the said State:*

"In obedience to the within order, I personally attended with a corporal's guard, well armed and accoutred, at the barracks near the house of Isaac Van Wyck, at the entrance of the Highlands, where the within named Phineas Ford had lately been a prisoner, and demanded the said Phineas Ford of Captain Isaac Belknap, who informed me that the said Phineas Ford has escaped from confinement, and was gone from his custody; and that Captain Belknap did not deliver me the said prisoner, whereby I was prevented from executing the within order.

"All which is most humbly certified, by

"Your most obedient humble servant,

"JAMES STEWART, *Capt.*

"*January 3rd*, 1777."

A letter from General Heath, dated the fourth inst. was received and read, as follows, to wit:

Peekskill, January 4, 1777.

SIR—I have just received your favour of the second inst. enclosing a resolution of the Honourable Convention of the State of New-York. This fresh instance of concern discovered by the Convention for the security of this post, I consider as flowing from an ardent zeal for the public safety, which I think much depends on the securing the passes in the Highlands; and you will please to acquaint them, that I am so much impressed with their importance, that I was determined not to leave them unguarded. I shall not take with me into the Jerseys, more cannon than what may appear absolutely necessary.

"Your Committee presented to me on yesterday, the resolves of the Honorable Convention of the first of January, requesting that I would defer my march until an answer could be obtained to a letter which had been sent to His Excellency General Washington, or some effectual means provided for the passes of the Highlands.

"I have assured them that I shall not move until a sufficient force is collected and left there.

"General Lincoln is this moment arrived.

"I am, with respect,

"Your most humble servant,

"W. HEATH.

"JAMES LIVINGSTON, Esqr."

A draft of a letter to Major-General Heath was read and approved, and follows, to wit:

"SIR,—We are this instant honoured with your favour of the fourth instant, and beg leave to thank you for the attention you have shown to the public safety.

"Our views extend only to the public weal, and we shall readily concur in those measures which are best adapted to that great purpose; we do therefore submit it to you sir, to act in such manner as you think most effectual, to de-

fend this State, and to harass and distress the enemy, in which we shall always coöperate to the utmost of our abilities.

"I have the honour to be,
"With great respect, &c.

"Major-General HEATH."

Ordered, That a copy thereof be engrossed, and signed by the Chairman, and transmitted.

Certain resolutions for employing Captain Machine, in assisting to carry on the obstruction to the navigation of Hudson's river, were agreed to, and resolved on, in the words following, vizt.

Resolved, That Captain Machine be empowered, with the advice, and under the direction of General George Clinton, to employ such and so many labourers and artificers as will be sufficient to perfect the obstructions in Hudson's river, and to lay out and erect such works as will be necessary for the defence thereof.

Resolved, That Mr. William Bedlow be appointed a commissioner to take care of all stores, keep regular books and accounts of the expenditures of all monies laid out on the above works; and that he be allowed ten shillings per day for his trouble therein.

Resolved, That one thousand pounds be advanced to the said William Bedlow, in order to pay the workmen employed in the said work,

AND WHEREAS, it hath been suggested that a number of disaffected persons taken in this State, may be usefully employed in the above work.

Ordered, That the committee for detecting and discovering all conspiracies formed within this State, be requested to send thirty of those now at Fishkill, whom they shall deem least dangerous, under guard, to New-Windsor; and to put them under the direction of Captain Machine, first giving two days' notice to General George Clinton, of the time at which they will be sent.

Ordered, That a copy of the preceding resolutions and orders be sent to Captain Machine, and that he request Captain Bedlow to attend this Committee of Safety for further instructions.

Certain resolutions to have fines levied on the several precincts in the different counties in this State accounted for and paid in by the collectors, were unanimously agreed to, and resolved on in the words following, to wit:

WHEREAS, it appears to this Committee that fines have been levied by the precinct committees, county committees and field officers of this State upon many of the inhabitants thereof.

Resolved, That the chairman of every county and precinct committee, and the commanding officers of every regiment in this State, do within two months from the date hereof produce, to the chairman of his or their respective county committees, a just and true account of all money so received, and the expenditure of such sums as he or they may have laid out; and that they pay the balance remaining into his or their hands to the chairman of the county committee.

Resolved, That the chairman of every county committee be empowered to send for any persons within their several counties who are possessed of public money so levied as above, and to oblige them to account therefor.

Resolved, That the chairman of every county committee send a true statement of all money so as above received, and all other sums of money which may have been collected by their several committees, with the expenditures of such sums as they have laid out to the President of the Convention of this State within three months from the date hereof.

Resolved, That copies of the above resolutions be sent to the chairman of the county and precinct committees, and to the colonel of each regiment in this State.

Ordered, That 200 copies be printed and sent to the county committees.

Major Schenk informed the Committee of Safety that Morrison (the mine digger) with his family, who are a part of the poor of Dutchess county, are in distress, and want the common necessaries of life.

Ordered, That the committee of Rombout precinct be directed to provide for the said Morrison and his family in the same, or some similar manner as is directed with respect to the poor inhabitants from New-York now in the said precinct.

Mr. Morris laid before the House a letter from Mr. Alexander Wallace to him, enclosing an account of plate belonging to his brother, Hugh Wallace, Esqr. which was taken at Hackensack, and praying for the restoration thereof to the owner.

Ordered, That the same be referred to Mr. Robert R. Livingston, and that he report thereon.

Mr. Tappen reported his conduct in escorting Lady Johnson to Wallkill, which follows, to wit:

"Your committee appointed for devising means for escorting Lady Johnson to some proper and safe place of residence, report that he went down to the house of Mr. Petrus Bogardus, where Mr. Morris had procured lodgings for her. But that your committee upon inquiring at the said Mr. Bogardus's, was informed that Lady Johnson had crossed the river with her family the day before your committee arrived there.

"That your committee likewise crossed the river and overtook Lady Johnson at the house of Colonel Jonathan Hasbrouck, where he conferred with her on the subject of her residence. And your committee being informed by Lady Johnson, that agreeable to the resolves of the Convention, four places for her residence has been pointed out and left to her choice; and that she had made choice of the Wallkill, in Ulster county, upon the following principles: First, That the season of the year would not permit her to travel a great distance without endangering the healths of her family of small infants. Secondly, That she was nearly connected in family with Mr. Barclay, at whose house she intended to put up. That your committee endeavoured as much as in their power, consistent with the honour of this Convention to dissuade her from going there. But she being determined to take the advantage of the resolves of this State; your committee, therefore, at Lady Johnson's request, procured carriages, for which she paid the drivers. And your committee did in person wait on her and escorted her and her family, consisting of her ladyship, three children, Miss Watts, a nurse, one white and one negro servant, to the house lately occupied by Mr. Barclay.

"CHRISTR. TAPPEN."

Mr. Tappen also reported his bill of expenses in escorting Lady Johnson, amounting to one pound nineteen shillings and nine pence.

Ordered, That the Secretary pay the said bill of expences and charge the same to the Convention.

A letter from Abraham Livingston, dated at Boston, on the 13th December, and informing that he shall forward clothing, &c. by the way of Fishkill to the army under his Excellency General Washington, was read, and follows, to wit:

"*Boston, 23rd December*, 1776.

"GENT.—I arrived here a few days since, in company with Mr. Wm. Turnbull. We were appointed by the Honourable Continental Congress to proceed to the eastern States, to procure clothing, &c. &c. for the use of the Continental army.

"A considerable quantity is preparing to be sent to the army under the immediate command of his Excellency Genl. Washington; the carters will be directed to cross Hudson's river at Fishkill.

"And as it is become one of the next important objects of the Congress to cloth our army with all possible expedition, I am, in their behalf, to request that you will please direct that the safest route through New-Jersey may be

pointed out to the carters, and such other necessary assistance be afforded them, as will facilitate the arrival of the clothing at Head-Quarters.

"Your zeal to serve the common cause on all occasions, makes me assured that you will readily comply with my request.

"I have the honour to be, gentlemen,
"Your most obedient humble servant,
"ABM. LIVINGSTON.

"The Honble. Convention
of the State of New-York."

The Committee of Safety then adjourned until ten o'clock to-morrow morning.

DIE MARTIS, 10 HO. A. M.

January 7, 1777.

The Committee met pursuant to adjournment.

PRESENT—James Livingston, Esqr. *Chairman.*
Mr. Rob. Harper, Mr. Dunscomb—*New-York.*
Mr. W. Smith—*Suffolk.*
Mr. Tappen, Majr. Parks, Mr. Rea, Mr. Cantine—*Ulster.*
Mr. Jas. Livingston, Mr. Jno. Schenk, Mr. R. R. Livingston—*Dutchess.*
Mr. Little—*Orange.*
Mr. Moore, Mr. W. Harper, Mr. Newkirk—*Tryon.*
Mr. Webster—*Charlotte.*
Mr. Sessions, Mr. Stephens—*Cumberland.*

A letter from Henry Holland, relative to one Ryckmen, who is taken up as a disaffected person and sent to this place, was read.

Ordered, That it be referred and delivered to the committee for detecting conspiracies, &c.

Resolved, That Captain Mechin be authorized and empowered to employ Mr. John Forsythe in saving boards and planks for the use of the fortifications and obstructions in Hudson's river.

Ordered, That Mr. Morris be appointed to take the depositions of the officers and others lately come from New-York, relative to the ill treatment of our prisoners by the enemy.

Ordered, That Mr. Robert R. Livingston and Mr. Morris be added to the committee appointed to inquire into the deposition and complaints as to the state of the inhabitants of Cumberland county.

WHEREAS information has been communicated to this Committee that three mares were taken by Colonel Van Rensselaer's party from one Moses Shaw, who is gone over to the enemy; that two of them are in the possession of Samuel Goslin, and the third of Samuel Mills, of this place:

Resolved, That Mr. Moore, Mr. William Smith and Mr. Rea, be a committee with power to sell the said mares at public auction; that they pay the expenses of their keeping, and return the residue of such money arising out of such sale into the treasury of this State.

Ordered, That the Treasurer of this State pay to Lieutenant Bocrum the sum of one hundred and twenty-seven pounds ten shillings, in full for the pay and subsistence of himself and such of the officers and privates of Captain Adolph Waldron's company of lighthorse, as are not now in the power of the enemy, agreeable to a pay roll sworn to by him, and audited by the committee of accounts this day.

The report and proceedings of the committee for detecting conspiracies, &c. on the case of Cadwallader Colden, Esqr. together with the papers therein mentioned referred, and are in the words following, to wit:

"*To the Convention of the State of New-York:*

"In obedience to your order of the day of December last, your committee, appointed for the purpose of inquiring into, detecting and defeating all conspiracies which may be formed in the State of New-York against the liberties of America, beg leave to report, that the schedule hereunto annexed, contain all their resolutions, proceeding and papers respecting Cadwallader Colden, Esqr.

"By order of the committee,
"JOHN JAY, *Chairman.*

"*Jany.* 6, 1777."

The Schedule thereunto annexed, follows in the words to wit:

"CONNER'S TAVERN, FISHKILL, }
"*Tuesday, January* 1, 1776. }

"PRESENT—William Duer, *Chairman.*

"John Jay, Esqr. Nathaniel Sacket, Colonel De Witt.

"WHEREAS a number of persons, principal inhabitants of this State, who for some time affected a neutrality of conduct in the present contest, have lately joined the enemy's army, and have been privy to aiding or assisting in their wicked conspiracies against the liberties of the United States, in violation of the sacred engagements which many of them had entered into, to observe a peaceful and inoffensive conduct: AND WHEREAS it appears unquestionably to this committee that many companies of men, in the different counties of this State, have actually enlisted in the enemy's service, many of which persons are intimately connected with, or dependent on, persons of suspicious or equivocal characters: AND WHEREAS this State is at present invaded with a powerful army, who have already penetrated into the county of Westchester, and whose ships of war occupy the navigation of Hudson's river. Inasmuch therefore as it is reasonable to suppose that many persons, who affect a similar neutrality of principles, only wait an opportunity of pursuing a similar conduct with those who have at length thrown off the mask, and taken an active part with our open enemies, as it is inconsistent with the high trust reposed by the Convention of this State in this committee, to hazard the general liberties of America, dependent in so high a degree on the preservation of this State, by an ill-timed act of lenity to individuals, who have either artful and wicked designs, or from interested motives, shrink from the duties they owe their country. Therefore,

"*Resolved,* That it is the duty of every virtuous citizen, when a mortal blow is aimed at the liberties of his country, to stand forth in an open and spirited manner, and to assist by his example, by his counsel, or by his arms, in vindicating and defending her cause.

"*Resolved,* That it would endanger the safety of this State, and the general liberties of America, to permit persons of influence and of equivocal characters, to remain within it at this alarming crisis, more particularly on the frontiers, and in such other counties where conspiracies are forming, to aid and abet our open enemies; and therefore that all such persons ought forthwith to be removed to one of the neighbouring States."

"At a meeting of the committee at Conner's tavern, the 25th of November, 1776.

"PRESENT—William Duer, Esquire, *Chairman.*

"John Jay, Nathaniel Sacket, Zephaniah Platt, Esqrs.

"WHEREAS Cadwallader Colden of Ulster county, Esqr. hath been represented to this committee as a person who hath long been notoriously disaffected to the American cause, and who, from his disposition and influence, as well from his vicinity to the enemy, may justly be considered as too daugerous to be permitted longer to remain at his present abode, and the more so as this committee have reason to believe that he hath countenanced and abetted measures prejudicial to the rights of America.

"*Resolved,* therefore, That he be forthwith apprehended and brought before this committee.

"*Ordered,* That Captain Lush do forthwith apprehend the said Cadwallader Colden, Esqr. and bring him before this committee; that he carefully and diligently examine all his papers, and that he secure all such as may have reference to the contest between Great Britain and America,

in order that the same may be examined by this committee."

"IN COMMITTEE, *the 27th day of Nov.* 1776.

"Captain Lush returned and brought to the committee Cadwallader Colden, Esqr. who was ordered to be apprehended on the 25th instant. On his giving his parol of honour that he will not depart this place, but appear before the committee to-morrow morning, he was permitted to seek for lodgings.

"Captain Lush delivered to the committee a number of letters and papers, which he found in Mr. Colden's custody, to wit:

"A letter signed I. Colden, directed to Cadwallader Colden, Esqr. at Coldenham, dated at Long island, Feby. 20th, 1776.

"A letter signed Charles Inglis, directed to Cadwallader Colden, dated New-York, February 5th, 1776.

"A letter signed Peter Dubois, directed to Cadwallader Colden, Esqr. Coldenham, dated Monday noon.

"A letter signed Dubois, to Major Colden, dated Friday, P. M.

"A note from Mr. Du Bois, to Major Colden.

"A note from some Scotch gentlemen at Esopus, directed to Mr. Colden, dated August 3rd, 1776.

"A paper containing a list of the Continental and Ministerial fleets, with their number of men and guns. [This is supposed to be the fleets of Lake Champlain.]

"A copy of Lord Howe and General Howe's declaration of the nineteenth September, 1776.

"A protest against the measures of Congress, neither dated nor signed.

"Manuscript piece of poetry, reflecting on the measures pursued by the Americans.

"*Fishkill, the 28th Novr.*

"In Committee, &c.

"Mr. Colden appeared, and being examined by the Committee, said he conceived the former oath of allegiance which he had taken to the King of Great Britain, to be binding upon him, and expressed a desire of being permitted to observe a state of neutrality.

"*Resolved*, That he be forthwith removed to the town of Boston, in the State of Massachusetts Bay, there to remain at his own expense on his parol of honour, under such restrictions as the select men of civil authority of that town shall prescribe.

"*Resolved*, That the said Major Colden be permitted to return home, in order to take leave of his family, and to prepare for his journey in ten days, on his pledging his parol of honour to appear before this Committee at the expiration of said term.

"Major Colden appearing before the Committee, was asked whether the paper containing reflections on a sermon preached by the Reverend Mr. Anan, was his own hand writing; confessed it was. He further pledged his parol for his appearance at the time mentioned.

"Extract from David Pembroke's examination. 'And this desponent says, that he used to hear James Robinson frequently talk of going to see Major Colden.'

["The said James Robinson mentioned in the preceding extract, is a dangerous emissary from the enemy, and hath industriously attempted to seduce divers of the inhabitants of this State from their allegiance thereto, and enlisted men for the service of the enemy.]

"*Fishkill, Conner's Tavern, Janry.* 1777.

"PRESENT—John Jay, *Chairman.*

"Zeph. Platt, Nathl. Sacket, Egbert Benson, chairman of Dutchess, General Morris.

"The committee proceeded to take into consideration the proposals of Cadwallader Colden, Esq. referred to them by the Committee of Safety on the 3rd instant, and thereupon came to the following resolution:

"*Resolved unanimously*, That the said proposal in the opinion of this committee ought not to be complied with, as the reasons upon which the resolution of this committee for removing the said Cadwallader Colden to the town of Boston was founded, still exist in full force.

"These are all the proceedings and papers of this committee, respecting Cadwallader Colden, Esqr.

"By order of the committee.

"JOHN JAY, *Chairman.*

"*6th January*, 1777."

Ordered, That the same be referred to Mr. Robt. R. Livingston, Mr. Morris and Mr. Tappen.

"IN CONGRESS, *December 23rd*, 1776.

"*Resolved*, That the assemblies, conventions, committees or councils of safety, and other persons that are or may be entrusted with money for the militia reinforcing the armies of the United States, transmit the receipts of the officers receiving the same, to the paymaster, or deputy-paymaster-general of the respective armies, who are hereby directed to make the proper stoppages, and to give certificates of the delivery of such receipts, specifying therein the names of the persons signing them, the dates and sums mentioned in the same, and the persons to whom the receipts were given, which certificates shall be received by the commissioners of the treasury, as sufficient vouchers for discharging the respective accounts from the sums expressed in the same.

"Extract from the minutes.

"CHARLES THOMPSON, *Secy.*"

A letter from Francis Lewis, Esquire, dated Baltimore, December 27th, 1776, was read, and follows in the words, to wit:

"*Baltimore, 27th Decmr.* 1776.

"GENTLEMEN—Your favour of the 5th instant, per Lieut. Brit, I have received, with your resolves relative to the frigate in Hudson's river, which I this day laid before the marine committee, and meet their entire approbation. They are of opinion that whatever vessels belonging to the Continent, and are now in Hudson's river, should be also secured in Esopus creek, or some other place of safety. The people belonging to the brigantine and sloop may be disposed of at the discretion of your Convention.

"Congress approves of your recommendation of Lieut. Victor Bicker, Junr. for the marines, and as soon as the blank commissions are received from Philadelphia, one shall be filled up for him and forwarded to you.

"Your letter, directed to Captain Dennis, I thought it proper to return you; his last place of residence was in Brunswick, which is now in General Howe's possession. Perhaps you may hear of Captain Dennis some where in your State. The rigging, &c. that belonged to those vessels sunk into the North and East river, and now in the possession of Captain Dennis, it is imagined may be of singular service at Ticonderoga, of which General Schuyler should be informed. I am also directed to inform you that Congress much approves of the frigates being fitted out against the spring, and of your directing a sufficient number of cannon to be cast at Salsbury, as none for your purposes can be procured from these parts. I must also beg that you would represent my present disagreeable situation to the Honourable Convention, which is that of being the only Delegate from the State of New-York attending Congress. My colleagues, Mr. Ph. Livingston and Colo. Floyd, departed for the northward upon the adjournment of Congress to this place, so that our State is now unrepresented in Congress, and of which the members highly complain; as there was never a more urgent necessity for its being full, than at this time, occasioned by several members being detached on committees, and as many as could be spared left Philadelphia to transact the necessary business there. I must beg leave to add, that from the late depreciation of Continental money, most necessaries of life are advanced here from three to five hundred per cent, to what they were at the commencement of our dispute. For instance, butter 4*s*. per lb.; loaf sugar 5*s*. and

other necessaries in like proportion. I was asked at the rate of £300 per annum for a house, and now lodge in a paltry tavern with a bed scarcely fit to lie upon. At this rate I shall not be able long to subsist, and must soon think of removing to some cheaper part of the Continent, unless I am relieved by the Convention, for at present my expenses exceed my allowance.

"I have the honour to be,

"Gentlemen, your very humble servant,

"FRA. LEWIS.

"P. S. Congress has this day resolved to invest Genl. Washington with powers for six months to regulate the armies in such manner as he, with the advice of his general officers, shall think most conducive to promote the public good; of which I shall transmit to the Convention a copy in my next. The battalions are to be increased to 110. It is hoped you will raise one more, i. e. six.

"I am to inform you, that when at Philadelphia there was, in the hands of Mr. Hayman Levy, purchased by him for the State of New-York, and packed up, sundry articles of clothing, to the amount of £11,000 and upwards, but at that time such was the hurry of the inhabitants to move their effects out of the city, that although I had obtained a press warrant from the Council of Safety for the purpose, the wagons were engaged by the citizens at the rates of 20s. per mile, and my warrant could not have the desired effect. I have since wrote from hence to both Mr. Robert Morris and Mr. Levy, to get them forwarded to Esopus, but could wish your Commissary was sent to look after them, as I am convinced they must be wanted with you. In the then critical state of Philadelphia, Congress ordered them to be sent to General Washington, but I got that order rescinded. The articles packed up in 32 casks, are as follows: White 4,061, check 1,939—6,000 shirts; 134 doz. milled hose; 1,109 pair leather breeches; 85 felt hats; 500 wooden canteens.

"The Honble. the Council of Safety
for the State of New-York."

Ordered, That so much of Mr. Lewis's letter as relates to clothing be referred to the committee appointed to procure clothing for the troops, and that the other parts of the said letter be referred to Mr. Morris and Mr. Tappen.

A letter from Governor Trumbull, dated January the first, relative to their militia and embargo laid in the State of Connecticut, was read, and follows in the words, to wit:

"*Middleton, January 1st*, 1777.

"GENTLEMEN—Yours of the twenty-fourth ultimo, came to hand, in which you urge the necessity of securing the passes at the Highlands, which is truly very important, and wish it was in the power of the State to add further aid to yours and the rest of the United States, which at present is not now in our power so to do. We have ordered four battalions to be raised and sent forward to assist General Washington's army until the 15th March next, and have also encouraged a number of volunteers to be raised to assist in the Jerseys, or otherwise as Genl. Washington shall direct. Five of the volunteer companies are already raised, part of them and part of the four battalions are now on their march; we hope the rest will soon be raised, though they have been much retarded by the repeated marches of the militia the last year, and especially the late marches to New-London and Providence.

"As to the difficulties you labour under on account of the embargo laid on this State. Permits have been given on application, to import out of this State to your State, and every permission of that kind will be granted (on proper application,) that can be consistent with the general service. John Canfield of Sharon, Esqr. employed by the Commissary-General of the army, and is furnished with a general permit, I will give him instructions to indulge the transportation of such quantities for families' use in your State, as shall appear needful, consistent with the interest of both States.

"I am, most respectfully, sir,

"Your most obdt. humble servant.

"JONTH. TRUMBULL.

"To the Committee of Safety
for the State of New-York, at Fishkill."

Ordered, That the same be referred to Mr. Robert R. Livingston and Mr. Morris.

A letter from General Heath, dated January the sixth, relative to the rangers at Fort Constitution, was read, and follows, to wit:

"*Peekskill, Jany. 6th*, 1777.

"DEAR SIR—I have just received your favour of the 4th instant, and would acquaint you that the removal of the rangers from Fort Constitution, was at the request of your committee who much urged the matter; and I must confess it was with reluctance that I ordered them down. The purpose, however, was solely to facilitate the expedition to Westchester county. I think the garrisons of fort Montgomery and Constitution too weak, but it is not in my power as yet to reinforce them. You may be assured sir, that I shall at all times pay a particular attention to those important passes, as far as it is in my power.

"I am, dear sir, yours, affly.

"W. HEATH.

"JAMES LIVINGSTON, Esqr."

A letter from General Scott, dated on the first instant, relative to the rangers, and on the subject of the Westchester expedition, was read, and follows, to wit:

"*Peekskill, January 5th*, 1777.

"SIR—I was honoured with the delivery of your letter to the committee into my hands; my colleagues being absent prevents my communicating it to them. General Heath's orders to Swartwout's and Bradt's companies of rangers was given with our consent. They are not to go into New-Jersey, but to be employed in the expedition in Westchester county, &c. We have prevailed on General Parsons to accept the command. We shall proceed on the business early in the morning. We expect to have so respectable an addition of force from the militia of Connecticut as to be able to do effectual service. The apprehensions that the Committee of Safety seem to labour under, are in my opinion without foundation. Surely the Convention or Committee of the State of New-York can supply troops for the security of Fort Constitution, on which we shall advance with a respectable force towarks Kings bridge.

"I therefore earnestly entreat that the two companies may be permitted to march without a moments' delay and join us at North-Castle.

"I am, sir, with the greatest respect,

"Your most obt. servant.

"JNO. MORIN SCOTT."

Captain Isaac Belknap's report relative to the escape of Captain Phineas Ford, was read, and follows in the words, to wit:

"*Fishkill, January 7th*, 1776.

"*To the Committee of Safety of the State of New-York:*

"Isaac Belknap, captain of a company of rangers, stationed at this place, reports, that in obedience to an order of your board, to me directed, dated the thirtieth of December last, directing me to receive and keep in safe custody Captain Phineas Ford and four other prisoners; accordingly I put Captain Ford, and the other prisoners sent with him, into the guard house, with the prisoners then in custody, and ordered the guard to keep them close prisoners, and not let any of them go without the sentries on any occasion whatever, without a guard, and then not to let but one at a time go out, and be immediately returned as soon as they had eased themselves; and that on Friday the 3rd instant, I went in person to relieve the guard, and gave

strict orders to the guard and to the sentries, not to let one man go out without a guard. But in the evening Captain Ford requested leave to go with a guard to ease himself, and Samuel Barret, a private soldier in Captain Myrick's company, was ordered to go out with him, and while he was out, Captain Ford made his escape; and on my receiving information of what had happened, I informed the committee of inquiry, &c. who ordered that Samuel Barret should be put in irons and kept in confinement, in which state he has remained ever since.

"ISAAC BELKNAP, *Capt.*"

Ordered, That a reward of one hundred dollars be given to any person or persons for apprehending the said Captain Ford, and that the Secretaries advertise the same.

A return of the union garrisons at Fort Montgomery, commanded by Brigr. General James Clinton, [was received.]

"*Severen's Tavern, 6th Jany.* 1777.

"GENTLEMEN—Yesterday evening, on my arrival here, I received [a letter] from General Heath, informing me he had sent over two field pieces to me. I came out here this morning to order them up, and the regiments in this quarter to advance to Pyramus this evening, that they might be ready, in concert with the regiments at Tappen, (where I meant to order one of the fieldpieces,) and where my greater forces are to attack the enemy at the New Bridge and Hackensack at the same time. I meant to have ordered a strong detachment on the east side of the ferry, in the English neighbourhood, and another on the Acquackanonk road, in case they should give way, to prevent their escape. I was just preparing my orders accordingly, when to my great surprise and mortification, a messenger arrived, who informed me that the enemy yesterday afternoon, apprehensive of an attack, left Hackensack with the utmost precipitation—part took their route towards Hackensack—part across the New Bridge, and the remainder across the ferry—carrying off all their baggage. They have disappointed me exceedingly. I am almost certain I could have destroyed the whole of them, had they continued two days longer, had I been indulged in my request of artillery that much sooner. I have sent down a strong party to possess the town, secure such stores as they may have left, and bring in the tories who are much dejected and distressed. I have given orders for dismissing the militia, except 500, agreeable to the resolve of your Honourable House, and am about making the necessary preparations for sending the 200 men into Dutchess county, who, I doubt not, will be there on the day appointed. A gentleman, just now from the army, informs me that Thursday evening last the enemy entered Trenton; that a severe action ensued between them and your army, who were drawn up on the south of Mill creek. The enemy were soon obliged to retreat to the farther end of the town, with great loss; that about twelve at night General Washington marched his army from Trenton to Princeton, attacked the enemy in the morning—then routed them—took upwards of 250, and as there was a smart action, it is supposed their loss was great, but the numbers killed at either place [is not known.] General Washington is on his march to Morristown, where it is expected he now is; in which case he has the enemy between him and Philadelphia, and I imagine this may have occasioned my neighbours' sudden removal from Hackensack. General Mercer is killed—our loss, however, but inconsiderable.

"I am, your most obt. servant,

"GEO. CLINTON.

"The enemy released the Hoppers, &c. on their leaving Hackensack. They had the impudence to propose an exchange of prisoners with me a few days before."

Ordered, That the Treasurer of this State pay to Lieutenant Daniel Rapalje, the sum of eighty-six pounds fourteen shillings, in full for the pay and subsistence of himself and such officers and privates of Captain Suydam's company of horse in Kings county, on Nassau island, as are not now in the power of the enemy, agreeable to a pay roll, sworn to by him, and audited by the committee of accounts of this day.

Mr. Duer informed the Committee that great inconveniences arise at and in the neighbourhood of Peekskill, through the want of a justice of the peace, or some other person qualified to administer the oath to the recruits of the Continental regiments raising in this State.

Resolved, That William Paulding, Esqr. be and hereby is nominated, constituted and appointed a justice of the peace for the county of Westchester, with the like powers, privileges and authority now or heretofore enjoyed and exercised by a justice of the peace in this State.

Major Brush, who was employed to repair to the county of Tryon for the purpose of paying off and settling the pay and subsistence of the rangers raised in the said county, being returned, delivered in the pay and subsistence rolls of the said rangers.

The petition of the officers of the companies of rangers raised in the county of Charlotte, praying that a pay-master may be appointed to the said companies, and recommending John Gibson, of New-Perth, for the purpose, was read.

A letter from Lawrence Gross, lieutenant of the first company of rangers in Tryon county, relative to an error in the payment of the bounty money to the men of the said company, and to the captain being confined in jail, was also read.

A letter from Isaac Paris, Esquire, chairman of the committee of Tryon county, relative to Captain Winn, who is confined in jail, and informing of their having appointed Adrian Van Sicle jailor, was also read.

Ordered, That said last mentioned petition and letters, as also the pay and subsistence rolls of the Tryon rangers, as delivered in by Mr. Brush, be referred to Mr. Moore, Mr. Webster, and Mr. Stephens and Major Parks, to report thereon, separately or otherwise as they may see fit; and all the said petitions and letters are now delivered to the said committee.

DIE MERCURII, 10 HO, A. M.

January, 8, 1777.

The Committee met pursuant to adjournment.

PRESENT—James Livingston, Esqr. *Chairman.*
Mr. Robt. Yates, Mr. Taylor—*Albany.*
Mr. Contine, Mr. Parks, Mr. Rea—*Ulster.*
Mr. Moore, Mr. Harper, Mr. Newkirk—*Tryon.*
Mr. Smith, Mr. Gelston—*Suffolk.*
Mr. James Livingston, Mr. Henry Schenk—*Dutchess.*
Mr. Little—*Orange.*
Mr. Webster—*Charlotte.*
Mr. Sessions, Mr. Stephens—*Cumberland.*

Many members, as well those absent as those present, being appointed on different committees which required their presence, and no very urgent business offering,

The Committee of Safety adjourned till to-morrow morning at the usual hour.

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10 HO. A. M.

January 9th, 1777.

The Committee met pursuant to adjournment.

PRESENT—James Livingston, Esqr. *Chairman.*
Mr. Robert Yates, Mr. Taylor—*Albany.*
Mr. Parks, Mr. Ray, Mr. Contine—*Ulster.*
Mr. Morris, Genl. Morris—*Westchester.*
Mr. Smith, Mr. Gelston—*Suffolk.*
Mr. James Livingston, Mr. Rob. R. Livingston—*Dutchess.*
Mr. Little—*Orange.*

Mr. Moore, Mr. Harper, Mr. Newkerk—*Tryon.*
Mr. Webster, Mr. Duer—*Charlotte.*
Mr. Stephens—*Cumberland.*

Ordered, That the Treasurer of this State pay to Captain John A. Bradt the sum of one hundred and thirty pounds thirteen shillings and seven pence, for the pay, and the further sum of one hundred and nine pounds thirteen shillings and one penny, for the subsistence of his company of rangers, raised in Albany county, to the fourth instant, agreeable to his pay and subsistence roll, sworn to by him, and audited by the committee of accounts.

Ordered, That the Treasurer of this State advance to Captain William Bedlow the sum of one thousand pounds, for the purpose mentioned in the resolutions of this Committee appointing Captain Machin to superintend the obstructions intended to be made in Hudson's river, and take his receipt, to account for the same.

Ordered, That the committee appointed to procure clothing for the Continental troops raised in this State, be requested to furnish to Doctor Chauncey Graham two blankets for the use of the sick under his care.

Mr. Moore delivered in the report of the committee appointed to report how many riders are necessary to be employed for the use of this Convention, which was read and ordered to lie for further consideration.

Ordered, That the Treasurer of this State pay to Mr. Nathaniel Foster the sum of sixty-seven pounds sixteen shillings, in full for two hundred and four spears and his expenses, agreeable to his account, delivered in and audited this day.

Ordered, That Mr. Foster keep the said spears in his custody till the further order of the Convention or this Committee.

Ordered, That the Treasurer of this State pay unto the Honble. Brigadier-General Lewis Morris, or his order, two hundred and eleven pounds four shillings, in full for his attendance as a Delegate of this State in Continental Congress, to the fourth day of October last, as per account delivered in this day.

Ordered, That the Treasurer of this State pay to Benjamin Montague the sum of ten pounds sixteen shillings, for going express to Peekskill, to Paramus, and to Governor Trumbull in the State of Connecticut, as per his account delivered in this day.

A letter from John Haring, Esqr. dated at Orange Town, January the fifth, enclosing the petition of Lawrence Smith, therein; the said petition praying to be permitted to go to New-York in order to obtain a passage to Denmark (via the Danish West Indies,) of which he is a native, and until of late years an inhabitant, were respectively read. Thereupon

Resolved, That the said Lawrence Smith, a subject of the king of Denmark, be permitted to go to New-York in order to obtain a passage to his native country.

Ordered, That the Secretaries pay to Governor Morris, Esqr. the sum of forty shillings, for so much by him paid to a person who came express from General George Clinton with the account of General Washington's successful attack at Trenton; and the further sum of twenty-four shillings, for so much paid to the printer's boys for a despatch in printing the address; and that the Secretaries charge the same in their account of disbursements.

"Received of John McKesson, Secretary of the Convention of the State of New-York, by order of the Committee of Safety, the following medicines, the property of the State of New-York, to wit; 'cortex peruviani, two pounds; floræ chamomel, half a pound; mannæ, four pounds; salis catharticæ amaris, nine pounds; cantharides, half an ounce; to be used in the care of the militia called into service in the county of Westchester, whereof I act as surgeon. *January 9th,* 1777.

"MATTHS. B. MILLER."

An additional resolution extending the powers of commissioners for repressing the refractory spirit of the militia in Rhinebeck to the refractory militia in Paulding's precinct, was read and resolved on and agreed to in the words following, to wit:

Resolved, That the commissioners appointed by the resolution of this Committee of the third instant for repressing the refractory spirit of the militia of Rhinebeck precinct, in Dutchess county, repair to Paulding's precinct, in the said county, as soon as they have executed the resolutions relative to the militia of Rhinebeck precinct, and that they be directed and authorized to pursue the same measures with respect to such of the militia of Colonel Field's and Col. Wm. Humphries' regiments as have neglected or refused to obey the orders of this Convention of the 21st ultimo, as were by them exercised in the precinct of Rhinebeck; and that for this purpose, the above mentioned commissioners be vested with all and singular the powers and authorities whatsoever, which were vested in them by the resolutions of the Committee of Safety of this State, of the 3rd instant; and that they call to their assistance the committee of Paulding's precinct or any other committee whenever they shall think their advice and assistance necessary.

A letter from General Heath at Peekskill, informing that he has received orders from General Washington to remain at Peekskill, and requesting that such flat bottomed boats as are at or near Fishkill, be sent to Peekskill, was read, and follows, to wit:

"*Peekskill, Jan. 8th,* 1777.

"SIR—I have just received your favour of the 6th inst. and thank the Honourable Committee for the favourable opinion which they have formed of my intentions for the public safety.

"The last night I received despatches from His Excellency General Washington, in consequence of which I shall not pass over the North river. I hope these operations will be such as will give satisfaction to the Convention and promote the public weal.

"I request that all the flat bottomed boats that are at Fishkill, or between that place and Fort Constitution, may be sent down as soon as possible, as they may be wanted at Kings ferry or elsewhere.

"I am, sir, with respect,
"Your most humble servt.
"W. HEATH.

"JAMES LIVINGSTON, Esq."

Ordered, That Mr. Robert Yates show this letter to Mr. Duer, who is requested to do the things needful for the Quarter-Master-General.

Ordered, That Robert Harper, Esqr. deliver to William Duer, Esquire, or his order, such arms belonging to this State as he may have in his possession, for the use of the militia ordered into Westchester county.

A letter from Nathan Pearce, chairman of the committee of Paulding's precinct, informing of the number of disaffected in that precinct, and of the said committee having ordered ten men, completely armed, for the defence of the precinct, on Continental pay, and follows, to wit:

"To Capt. JAMES MARTIN.

"You are hereby required forthwith to raise ten soldiers, completely armed, for the defence of this precinct, under Continental pay, for one month, if not sooner discharged by this committee. Jany. 5, 1777.

"By order of the committee.

"NATHAN PEARCE, *Chairman.*"

"To the Honourable the Provincial Congress, convened at Fishkill.

"GENTLEMEN—These may inform your honours that there is a great number of disaffected persons (to the measures pursued by the United Colonies,) in our precinct, and from many hints and informations, we suspect that there is a plot concealed among them as soon as our militia is moved off, (which was to have been this day,) to take the advantage, to rise against the inhabitants when

we are destitute of men and arms, to make prisoners of our principal men, and convey them by some means or other to the regulars; whereupon this committee have thought it advisable to detain our troops till we could send our humble request to your honours to send us, as speedily as possible, thirty or forty men to be stationed among us, completely armed for our defence, with proper officers, and for the apprehending of tories and deserters. Your honours granting this, our humble request, will much oblige your hearty friends, and cause us as, in duty bound, ever to pray.

"Signed by order of the Committee.

"NATHAN PEARCE, *Chairman.*

"*Pauling's precinct, Jany.* 5, 1777.

"*P. S.* We would further inform your honours, that the militia that was ordered to go out of three companies, was near about one hundred and twenty, and but thirteen appeared. We request your honours to send orders what shall be done in this affair."

Resolved, That the committee of Pauling's precinct be authorized to raise ten men with an ensign, for the purpose of securing the disaffected in the said precinct, and that they be allowed Continental pay.

A letter from Lewis McDonald, chairman of Westchester committee, relative to the poor of New-York who were sent into that county, and the effects of some officers, prisoners on parol, and who have eloped, was read, and follows, in the words to wit:

"*Bedford, 30th Decr.* 1776.

"SIR—This day our committee met pursuant to adjournment to transact such business as should lay before them. The business of this day was great and difficult for us to determine. One thing is, the poor from the city of New-York, how and in what manner are they to be supported? another, the goods left by the regular officers that were on parol in this town and deserted. The committee resolved that Mr. Philip Leck be sent to Convention in order to get instructions how we shall transact for the future, in those and other matters, which we think of great moment. We therefore pray you will give us by him, some particular instructions, as he will further enlighten you in the difficulties which lay before us at present, in the discharging of our duty. For further particulars, we refer you to the bearer, Mr. Leek, by whom we hope to receive from you such directions as will enable us for the future to discharge our trust, and be of service to our much injured and bleeding country.

"Signed by order of the Committee.

"LEWIS McDONALD, *Chairman.*

"To the President of the Honble.
Convention of the State of New-York."

Ordered, That the said letter be referred to Mr. Morris, Mr. Dunscomb, Mr. William Harper and General Morris.

The petition of John A. Bradt, captain of the rangers raised in Albany, was read, and follows to wit:

"*To the Honourable Convention of the State of New-York.*

"The petition of John A. Bradt, captain of a company of rangers, raised in and for the defence of the county of Albany,

"HUMBLY SHEWETH:

"That whereas your petitioner sometime since received a warrant from the committee of the county of Albany, dated the tenth day of August last, for raising the above company of rangers, since which (notwithstanding he hath nearly completed the same,) he has not received a commission for himself or his subalterns.

"That your petitioner hath this day been informed by one of the sergeants just arrived from Peekskill, that his company are determined to go to such place as they may be ordered to, and there execute such orders as may be given to them, provided they are furnished with clothing and other necessaries equal with the other Continental troops, of which they are at present destitute, owing to their want of time to supply themselves therewith at home—they being immediately ordered to Fort Constitution, directly after their return from Johnstown.

"That your petitioner conceives that many of his men will be desirous to be discharged from the company, they being apprehensive they ought not be sent out of the county of Albany, agreeable to the tenor of their warrant.

"That your petitioner conceives that he and his subalterns are justly entitled to the same pay as the officers of the same rank in the Continental army are entitled to.

"Your petitioner therefore, requests that your honours will take the premises into consideration, and grant the above requested commissions; also will be pleased to order the necessary clothing for his company; and further, pass a resolve, that one of his company who shall incline to be discharged, on his returning the bounty, may quit the company. Lastly, requests that he may have the liberty to enlist a fifer and drummer in his company, or to issue such orders respecting the premises, as your honours in justice may deem fit.

"And your petitioner shall ever pray, &c.

"JOHN BRADT.

"*Fishkill, January 9th*, 1777."

Ordered, That Mr. Taylor, on the committee of arrangement, with the said petition, consult them on the subject matter thereof.

A letter from Josa. Loring, commissary of prisoners at New-York, dated December 28, 1776, directed on the back as follows, to wit: "To the Provincial Congress of the Province of New-York, or others whom it may concern," relative to some prisoners passing through this State to Canada, was read, and follows to wit:

"*New-York, Decr. 28th*, 1776.

"GENTLEMEN—Majors Campbell, Dunbar and Hughs, Captain Robertson and Doctor Gill, being taken prisoners in Canada, and now duly exchanged agreeable to General Washington's desire, I am directed by the Commander-in-Chief to apply to you for a safe pass, and your assistance to them in returning to Canada, as they belong to that district. They will wait here for your answer, which request may be as soon as possible, either by a flag of truce to our posts at King's Bridge, or any other, the most expeditious way.

"I am, gentlemen,

"Your most obedient and most humble servant,

"JOSA. LORING,

"*Commissary for Prisoners.*"

A draft of an answer to the above letter was read and agreed to, in the words following to wit:

"SIR,—The Convention of the State of New-York have received a certain letter, signed Josa. Loring, commissary for prisoners, and directed 'To the Provincial Congress of Province of New-York, or other whom it may concern.' As the business mentioned in that letter, in some sort concerns the Convention of the State of New-York, they direct me in answer, to inform you, that although from the detection of a great number of spies, and the information received of others, there is not the least doubt but General Howe has every species of intelligence he can wish for; yet as the suffering an enemy's officer to pass through this State must presuppose that the Convention have lost the right use of their understanding, they pray that Messrs. Campbell, Dunbar, Hughes, Robertson and Gill, will excuse them for not complying with their request. At the same time I am directed to observe, that in the opinion of this Committee, all applications of this sort should be made from the Commander-in-Chief of the British army to his Excellency General Washington, whose politeness and humanity will naturally lead him to confer every favour in his power upon officers in service against him.

"I am sir, your humble servant.

"JOSA. LORING, Commissary
Prisoners, New-York."

Ordered, That the same be copied and sent to General Heath, to be forwarded by him.

Ordered, That a copy of Mr. Loring's letter and the answer thereto, be sent to General Washington by the first opportunity.

A letter from Cadwallader Colden, Esquire, requesting the House to indulge him with a hearing before they determine on the report of the committee for detecting conspirators, relative to his case, and that he may be served with a copy of the said report, was read, and follows, to wit:

"*Fishkill, Jany 8th*, 1777.

"SIR,—I rejoiced when I heard that the Honourable Convention, upon my petition to them of the 26th of last month, had ordered the committee to make report to them of what had appeared before them concerning me; being then in hopes of speedily having an impartial hearing and decision before the House. I am now equally astonished as surprised to learn that the House have referred the matter back to another committee. Though I still hope the Convention will give me a hearing before they come to a final determination; for which end, I beg I may be served with copies of the reports of the committee, and that a future day may be appointed for me to have a hearing before the House. If I may be indulged in this, it will greatly oblige,

"Sir, your most humble servant,

"CADWALLADER COLDEN.

"To JAMES LIVINGSTON, Esqr.
President of the Honble. Convention."

Ordered, That Mr. Colden be heard, agreeable to his request on Monday next, and that the Secretary, in the mean time, permit Mr. Colden to peruse the said report; and that the committee to whom the said report was committed on the instant, be discharged.

A letter from Ebenezer Woodhull, on the subject of pay for his company of troopers in Orange county, was read, and follows in the words, to wit:

"For the Convention of the State of New-York."

"Your petitioner has been called to attend with the troop of horse under his command, by General George Clinton, at the North river, White Plains, and now at the south part of Orange county, which service he has complied with, and the orders obeyed to the best of our capacity; has spent his own money, and his men's, who had any, there; (acknowledges to have received on account, in advance, for which he has given his receipt, two hundred dollars;) prays to have his wages settled that he may bring into Convention his pay and subsistence rolls, lest necessity should oblige the troops to turn into the common militia. Your compliance will greatly oblige your most obedient servant.

"EBENEZER WOODHULL.

"*Fishkill, January 8th*, 1777.
"To Honble. Convention of the State
of New-York."

Thereupon,

Resolved and Ordered, That the Treasurer of this State advance to Captain Ebenezer Woodhull five hundred dollars, on account of pay and subsistence to his troop of horse, and that he be directed to make out his pay roll, agreeable to the Continental regulations for the troops of horse, as soon as he can obtain the same.

Resolved and Ordered, That the Treasurer of this State advance to Captain Silvester Salisbury, two hundred dollars, on account of pay and subsistence to his troop of horse, and that he be directed to make out his pay roll, agreeable to the Continental regulations for troop of horse, as soon as he can obtain the same.

The petition of Ann Dillingham, praying leave to go to New-York, with her family, to her husband, was read and filed.

Resolved, That Ann Dillingham, with her family, be permitted to go to New-York to her husband.

A letter from Colonel Peter R. Livingston, dated the second instant, relative to the refractory militia in the manor of Livingston, was read, and follows, to wit:

"DISTRICT OF MANOR LIVINGSTON,
"*2nd January*, 1777.

"GENTLEMEN—Upon the receipt of your first resolves of the 21st of December, I immediately ordered out my regiment, in order to march down as many of them as the field officers judged could leave home, without too much distressing their families at this inclement season of the year, and sorry I am to acquaint the Convention, that out of the whole (except those that a few days before returned from duty) we could only make one company of about 45 men, that could any way possibly leave their families; just as they were ready, we received your countermand, and dismissed those that did meet, with orders for them to be ready on the earliest notice.

"But we find, upon the strictest inquiry, the whole regiment, except a precious few, are so reluctant, and most of them so disaffected, that little or no dependence can be put in them; numbers daily riding about the county, huzzaing for the King and drinking his health in the taverns. As we were fearful you might want men, hearing the militia were so backward in Dutchess, I thought it best to order out Lieutenant Bower's company, who are on Continental pay, and are enlisted till the first of May next, to march down to Fishkill, and receive such further orders as you may judge fit to give him, as Capt. Gaashbeebus' people's time is out the 14th of this month. In the mean time, the committee here will endeavour to find out, and get proof of the transactions of the enemies of the State, so as to justify their sending them down to Fishkill, to be dealt with as they desire. Should Convention not want this company for immediate duty, they will be pleased to send them back.

"Am, gent. with great respect,

"Your very humble servant,

"PETER R. LIVINGSTON."

The Committee of Safety adjourned until ten o'clock tomorrow morning.

DIE VENERIS, 10 HO, A. M,
January 10th, 1777.

The Committee of Safety met pursuant to adjournment.

PRESENT—James Livingston, Esqr. *Chairman*.
Mr. Roosevelt—*New-York*.
Mr. Contine, Major Parks—*Ulster*.
Mr. Robert R. Livingston, Mr. James Livingston, Mr. H. Schenk—*Dutchess*.
Mr. Sessions, Mr. Stevens—*Cumberland*.
Mr. William Smith, Mr. Gelson—*Suffolk*.
Mr. Little—*Orange*.
Genl. Morris—*Westchester*.
Mr. Moore, Mr. Harper, Mr. Newkirk—*Tryon*.
Major Webster—*Charlotte*.

WHEREAS a number of hides have been purchased by the Convention, in order to supply the wants of the inhabitants of this State:

Ordered, That Mr. Cantine be directed to collect the said hides, and get the said hides tanned and curried on account of this State, taking, for the expense and trouble of tanning and currying the same, the one-half of all the hides which he shall so tan and curry, and deliver the other half to the order of this Committee, or the Convention of this State.

The report of the committee to consider the letter of Lewis McDonald, chairman of the committee of Bedford, relative to the prisoners of war who broke their parol and escaped, and relative to the poor of the city of New-York, was read and agreed to. Whereupon,

Ordered, That the following facts and resolutions [be submitted] to wit:

Joseph Woolcombe, William Elder, Richard Bruere, Thomas Remmington Harris, and Samuel Cox, being prisoners of war upon parol at Bedford, in the county of Westchester, have, in breach of their parol, gone off and joined the enemy, leaving sundry of their effects, which are now in possession of the said committee, and being considerably indebted for their board and lodgings to the inhabitants of Bedford aforesaid. That the poor of the city of New-York, now in the county of Westchester, are greatly distressed for want of clothes, food, &c.

Thereupon the Committee agreed to the following resolutions, to wit:

WHEREAS Joseph Welcombe, William Elder, Richard Bruere, Thomas Remmington Harris and Samuel Cox, being prisoners of war upon their parol of honour, at Bedford, did shamefully run off, in breach of their said parol:

Resolved, That a letter be written to His Excellency General Washington, informing him thereof.

AND WHEREAS the said Joseph Welcombe, William Elder, Richard Bruere, Thomas Remington Harris and Samuel Cox are indebted to sundry the good subjects of this State,

Resolved, That the committee of Bedford, in the county of Westchester, sell off their effects at public vendue, giving notice thereof at least ten days before the day of sale; and out of the moneys arising from such sale, pay the debts of the said Joseph Woolcombe, William Elder, Richard Bruere, Thomas Remington Harris and Samuel Cox, and account with the Treasurer of this State for such sums as may remain in the hands of the said committee, after the payment of the said debts.

Resolved, That the sum of twenty pounds be advanced to the committee of Bedford, in the county of Westchester, to be accounted for to the Convention; and that the said committee take such measures as they shall think necessary to provide for the poor of the city of New-York, within the said county; and that they be at liberty to dismiss any of those who they may not conceive proper objects of charity, or employ any such as they may conceive capable of labour.

Ordered, That the Treasurer of this State pay to Mr. Philip Leek, one of the committee of Bedford, on his receipt, the said sum of twenty pounds, to be applied for the support of the said poor, and to be accounted for by the committee of Bedford to the Convention or the Committee of Safety of this State.

Captain John A. Bradt, of the Albany rangers, applied for clothing for his men.

Ordered, That Captain Bradt apply to the clothing committee, who are directed to furnish Captain Bradt with clothing, agreeable to a list now produced; and that the said clothing be charged to Captain Bradt, who is directed to make the proper stoppages out of the payment of such of his men as do not enlist in Continental service.

Ordered, That commissions be made out for Captain Bradt and his officers.

Ordered, That the Treasurer of this State pay to John Cregier, the sum of forty-eight pounds sixteen shillings, in full for his services as a rider, to the thirty-first day of December, agreeable to his account, audited and reported this day.

A letter from General Heath, dated yesterday, accompanying several letters from the city of New-York, was read, and is in the words following, to wit:

"*Peekskill, Jany. 9th*, 1777.

"SIR—Captain Chew has just come to this place with a flag, on his way to Fishkill, to solicit the permission for Lady Johnson and Mrs. Cuyler, with their families and effects, to pass to New-York. I have thought it improper to allow Captain Chew to proceed to Fishkill, but have sent forward the letters. The Honourable Convention will act, touching the premises, as to them, in their wisdom, may seem fit. Captain Chew returns this afternoon or to-morrow morning. I have assured him that as soon as the Convention shall have come to a determination, notice thereof shall be sent by a flag. I therefore request a decision as soon as convenient.

"I am, sir, with respect,

"Your most humble servant,

"W. HEATH.

"JAMES LIVINGSTON."

The several letters within mentioned, were from different persons to several of the members, soliciting the Convention to permit Lady Johnson, Mrs. Cuyler, wife of the late mayor of Albany, and a certain Mrs. Wilkinson to go to their husbands in New-York.

Ordered, That Mr. Roosevelt and Mr. Gelston be a committee to examine the said letters, and report whether any of them are improper to be forwarded.

Mr. Roosevelt reported that none of the letters committed to him and Mr. Gelston, contain any matters injurious to the country. That there is among the letters one hundred and fifty dollars directed to Mr. Duane and Peter R. Livingston, for Anthony Van Daur, to be sent to Colonel Robert R. Livingston, for house rent.

Ordered, That the Secretary deliver or send the letters to the persons to whom they are respectively directed, and that he retain said money until further order of the Convention of this State, or of this Committee.

SATURDAY MORNING,

Jany. 11th, 1777.

PRESENT—James Livingston, Esqr. *Chairman*.
Mr. Roosevelt, Mr. Dunscomb, Mr. Harper—*New-York*.
Mr. Cantine, Mr. Parks—*Ulster*.
Mr. Little—*Orange*.
Mr. R. Yates, Mr. Taylor—*Albany*.
Mr. Schenk, Mr. Rob. Livingston, Mr. Jas. Livingston—*Dutchess*.
Mr. Moore, Mr. Harper, Mr. Newkirk—*Tryon*.
Mr. Smith, Mr. Gelston—*Suffolk*.
Mr. Sessions, Mr. Stevens—*Cumberland*.
Mr. Webster—*Charlotte*.

A letter from General Washington, dated at Pluckemin, was read, and follows, to wit:

"*Pluckemin, January 9th*, 1777.

"GENTLEMEN—I was this evening honoured with your letter of the first instant, and beg leave to assure you that the situation of your State has and ever will claim much of my attention. I am sensible of its importance in the grand contest in which we are engaged, and of the unhappy defection of too great a part of it. However, when General Howe had drawn a part of his army into Jersey, and from the movements used, from a variety of intelligence through different channels, had determined to invade Pennsylvania and seize Philadelphia, I thought it expedient to call upon General Heath for such succour as he could give, after leaving what appeared a sufficient guard for the security of the Highlands, as things were circumstanced at that time. I am happy that no accident has yet happened, and I trust none will, as the late change in our affairs in this quarter has justified some alteration in my orders to him. In every instance I must attempt to direct such forces as we have to the general security and as exigencies may require, and only hope my exertions may be answered with success. I am persuaded that you will think that there was much occasion for the aid I called for at the time the application was made.

"I return you my sincere thanks for your kind congratulations, and have the pleasure to inform you that our armies have been attended with further success in a late attack upon the enemy. On Thursday evening they marched to Trenton with their collected forces, to give us battle, and to possess themselves of the town and the posts on the Delaware. After some skirmishing upon the approach, and a small firing from artilleries on each side while it was light, I had our baggage removed as silently as possible,

and about 12 o'clock at night began to march with our troops from Princeton, where I expected to find a considerable force and probably a good many stores; we arrived about 8 o'clock, and a part of our troops had a small engagement with the British regiments that passed them and their troops of horse; the enemy's loss was about 100 slain; the number wounded is not yet ascertained. We have two hundred prisoners here, and from the information I have obtained, I have much reason to believe that near a hundred men were taken in their confused and precipitate retreat, and which are conducted toward Pennsylvania. Upon the whole, I think their loss in killed, wounded and taken prisoners, cannot be less than five hundred. This piece of good fortune is counterbalanced by the fall of General Mercer, a brave and good officer, and seven or eight more, with about thirty privates. The enemy have returned and are now at Brunswick and Bound Brook, from the reports of all our parties of intelligence. We designed to have proceeded to the former; but before we could get the least refreshment, the army that had gone to Trenton returned to Princeton, which obliged us to decline the enterprise.

"½ *after* 8 *o'clock, P. M.*

"I have this minute received a letter from General Maxwell, advising that a party of militia attacked sixty Waldeckers this morning; killed ten, and took the rest prisoners.

"I shall take an opportunity [to consider the case of] Sir John Johnson, if his situation is such as to bring him under my cognizance; and if I should think his being out will not be attended with more bad than good consequences.

"I have the honour to be,
"With great esteem,
"Gentn. your obedt. servant,
"GEO. WASHINGTON."

A letter from the Hon. John Hancock, President of the Continental Congress, was received by express, and read in the words following, to wit:

["CIRCULAR.]
"*Baltimore, Decr. 30th*, 1776.

"GENTLEMEN—Ever attentive to the security of civil liberty, I have consented to the vesting such powers in the military department as those which the enclosed resolves convey to the Continental Commander-in-Chief, as the situation of public affairs requires at this crisis a decision and vigour, which distance and numbers deny to the Assembly, far removed from each other, and from the immediate seat of war.

"The strength and progress of the enemy joined to the prospects of considerable reinforcements have rendered it not only necessary that the American force should be augmented beyond what Congress had heretofore designed, but that it should be brought into the field with all possible expedition. These considerations induced Congress to request in the most earnest manner that the fullest influence of your State may be exerted to aid in such levies as the General shall direct, in consequence of the powers now given him; and that your quota of battalions forming, may be completed with all the despatch that an ardent desire to secure the public happiness can dictate.

"I have the honour to be,
"With every sentiment of esteem, gentlemen,
"Your most obt. servant,
"JOHN HANCOCK, *President.*

"P. S. To the resolve prohibiting the exportation of sundry articles and the other resolves I enclose, I beg leave to refer your particular attention. I congratulate you on the success of General Washington in the Jerseys. The particulars you will find in the paper enclosed.

"The enclosed packet I beg the favour, you will please to order to be forwarded by a fresh express to General Schuyler immediately; and I further request you will give my express the best route to Boston, and pray direct him to use all despatch on his journey.

"To the Honble. the Convention,
of the State of New-York."

The papers inclosed in and referred to in the letter of the Honourable John Hancock, were,

1st. A resolution passed December the 11th last, recommending a day for fasting and prayer to be appointed in each State, and a general reformation of manners.

2nd. A resolution of December 23rd, directing the receipts of all moneys received for the use of the militia to be transmitted to the pay-master-general, that stoppages may be made.

3rd. A resolution dated December 31, that the resolve prohibiting the exportation of staves and other lumber, cease.

4th. A resolution of December 30th, prohibiting the exportation of bacon, salted beef and pork, &c.

5th. Sundry resolutions dated Decr. 27th, giving General Washington extraordinary powers for six months, and on many other subjects.

The before mentioned letters and inclosures being read,

Ordered, That the whole of them be referred to a committee to consist of Mr. Robert Yates, Mr. Taylor and Mr. Morris.

A letter from Joab Hoisington, Esq. major of the four companies of rangers, raised in the counties of Cumberland and Gloucester, dated at Fishkill, this day, stating that he had paid all the money he received from the Convention to the officers and soldiers under his command, and for necessary supplies; and being detained much longer than we expected, had become destitute of money to bear his expenses in returning home.

Ordered, That the Treasurer of this State pay to Mr. Hoisington on his receipt, the sum of thirteen pounds 6 shillings and 8 pence, in behalf of his pay, as major of the four companies of rangers, raised in the counties of Gloucester and Cumberland, in order to enable him to return to Gloucester county.

The Committee of Safety adjourned until ten o'clock tomorrow morning.

DIE LUNÆ, 10 HO. A. M.
January 13th, 1777.

The Committee met pursuant to adjournment.

PRESENT—James Livingston, Esqr. *Chairman.*

Mr. Duane, Mr. Robert Harper, Mr. Roosevelt, Mr. Dunscombe, Mr. Jay—*New-York.*

Col. Van Rensselaer, Mr. Robert Yates, Col. P. R. Livingston, Mr. Taylor—*Albany.*

Mr. Smith, Mr. Gelston—*Suffolk.*

Mr. Cantine, Major Parks—*Ulster.*

Mr. Morris, Genl. Morris—*Westchester.*

Mr. Little—*Orange.*

Mr. Moore, Mr. Wm. Harper, Mr. Newkerk—*Tryon.*

Mr. James Livingston, Mr. Henry Schenk—*Dutchess.*

Mr. Stephens, Mr. Sessions—*Cumberland.*

Mr. Webster—*Charlotte.*

Ordered, That Judge Graham, on account of his long absence, be taken off the committee for arranging the army; and that any majority of the remaining members of that committee be a quorum.

Mr. Duane informed the Committee of Safety that Colonel Henry B. Livingston is in want of cash for recruiting his regiment. That although the sum of three thousand pounds heretofore advanced to him, for that purpose, is not yet expended in bounties, yet the same is out in the hands of recruiting officers, and he is thereby straightened in money to advance bounty to his recruits.

Ordered, That the Treasurer of this State advance to Colonel Henry B. Livingston, on his receipt, the further

sum of one thousand five hundred pounds, for the purpose of recruiting the regiment raising in this State for Continental service, whereof he is Colonel.

The Committee then proceeded to consider the case of Major Colden, and of the resolutions moved by Mr. Morris, and after some time spent therein,

Ordered, That the further consideration thereof be postponed until to-morrow.

Mr. Hallet's accounts of the sloop Nancy, being read,

Ordered, That they be referred to a committee, consisting of Mr. Roosevelt and Mr. P. R. Livingston.

Ordered, That Mr. McKesson wait on General Schuyler, which being done, the General returned with the Secretary, and informed the Committee of Safety that sundry subjects on which he intended to apply to the Honourable Body, are fully answered by letters which he has received from Congress. But he has yet several matters of importance, and therefore requests that a committee may be appointed to confer with him on those matters.

Ordered, thereupon, That Mr. Duane, Mr. Jay and Mr. Morris be a committee to confer with General Schuyler.

The Committee then resumed the consideration of the draft of a letter to Governor Trumbull, reported on Saturday. Thereupon,

Resolved, That the said draft be recommitted to the same committee, with the addition of Mr. Duane, who is hereby added to the said committee.

The Committee of Safety then adjourned until ten o'clock to-morrow morning.

DIE MARTIS, 10 HO. A. M.

January 14, 1777.

The Committee met pursuant to adjournment.

PRESENT—James Livingston, Esqr. *Chairman*.

Mr. Duane, Mr. Roosevelt, Mr. Dunscomb, Mr. Robert Harper—*New-York*.

Mr. Wm. Smith, Mr. Gelston—*Suffolk*.

Mr. Little—*Orange*.

Mr. Robert Yates, Col. Van Rensselaer, Mr. Taylor, Colonel P. R. Livingston—*Albany*.

Col. Humphrey, Mr. Jas. Livingston, Major Schenk—*Dutchess*.

Mr. Moore, Mr. Wm. Harper—*Tryon*.

Mr. Sessions, Mr. Stephens—*Cumberland*.

Mr. Cantine, Major Parks—*Ulster*.

Mr. Morris—*Westchester*.

Major Webster—*Charlotte*.

The Committee appointed to devise ways and means to enable the several county committees to defray their contingent charges, reported that,

"WHEREAS application hath been made by the committees of several of the counties in this State, for a loan of moneys to defray the contingent charges that have accrued in their respective counties: AND WHEREAS there is no fund in any of the counties by which they may be able to discharge any public debts that may have been contracted, nor any mode as yet prescribed to tax the inhabitants: AND WHEREAS it is highly expedient that the sums of money be granted by way of a loan, on the credit of the several counties hereafter mentioned, to defray contingent and necessary county charges:

"*Resolved*, therefore, That this Convention will lend, on the credit of the counties so applying, a sum of money, in the following proportions, viz: To the county of Dutchess, a sum of money not exceeding one thousand pounds; to the county of Ulster, a sum not exceeding six hundred pounds; to the county of Orange, a sum not exceeding five hundred pounds; to the county of Tryon, a sum not exceeding eight hundred pounds; and to the county of Cumberland, a sum not exceeding three hundred pounds.

"That such sums shall be issued out of the treasury on application of the committees of said respective counties, by draft on the President, signed by the chairman, attested by the clerk, and attended with a copy of the resolution and names of the committee, authorizing such application; which draft and resolution certified in like manner, shall be sufficient authority to the President, or Vice-President, or in either absence, and the recess of Convention, to the Chairman of the Committee of Safety, to issue his warrant to the Treasurer for payment.

"That the sums so lent shall be a charge against the several counties for whose use the same shall be advanced, and shall be so charged by the Treasurer on payment of the several warrants; and such counties shall be liable to replace the same accordingly, in such manner as shall be directed by the Convention or Legislature of this State.

"*Resolved*, That the committees of the several counties be, and hereby are, directed to return an account to this Convention or a future Legislature, of the expenditure of all and every of the sums which heretofore have been lent, or shall be advanced to their respective counties for the contingent charges thereof, and their accounts and vouchers."

A petition from the districts of Claverack, Rensselaerwyck and Kings, in the county of Albany, relative to the disaffection of the committee men and field officers of the militia in Kinderhook district, with an affidavit of John Van Alstyne relative thereto, were read and referred to Mr. Van Rensselaer, Mr. Taylor and Colonel Livingston.

A letter from the Reverend Mr. Rysdeck, with a Dutch translation of the address of the Convention of this State to their constituents, was read.

Ordered, That Mr. Roosevelt and Mr. Robert Yates be a committee to examine the same, and to confer with Mr. Yates on the subject.

WHEREAS Messrs. Sessions and Stephens, Representatives of the county of Cumberland, have applied for a sum of money on account of their wages as Representatives in Convention, which by reason of their distance from the said county and the difficulty of conveyance, hath not been furnished by the county committee:

Resolved, therefore, That the Chairman of this Committee of Safety, issue his warrant to the Treasurer, to advance to the said members, or either of them, for the use aforesaid, the sum of seventy pounds, to be charged to the said county, and accounted for by them to the county committee, and the same be considered in part of the sum of three hundred pounds ordered to be lent to the said county by the preceding resolution.

Ordered, That the Treasurer of this State, advance to Captain Robert Castle, the sum of eighty pounds, on account of the wages and subsistence of himself and the crew of the armed sloop Camden, fitted out by order of the secret committee for obstructing Hudson's river, and for the same against the depredations of the enemy.

Ordered, That Captain Castle, do without delay make out his whole account against the Convention of this State and transmit the same.

WHEREAS Colonel Cornelius Humphrey, a member of the House, has with a spirit of economy, like a generous patriot, offered to take the command of a number of volunteers, who are willing to serve their country at this important conjuncture;

Resolved, therefore, That Colonel Humphrey be appointed to take the command of such volunteers, with the rank of colonel; that they be formed into a regiment to continue in service for six weeks from the time of their marching, unless sooner discharged, and that they repair with the utmost expedition to Peekskill, and put themselves under the direction of the committee for carrying on an expedition in Westchester county, &c. That Colonel Humphrey be also authorized to enrol in the said regiment of volunteers, such officers as in his opinion will be most serviceable on this occasion, and that the officers, non-com-

missioned officers and privates be allowed Continental pay and rations.

Ordered, That a copy thereof be delivered to Colonel Humphreys, and that the Chairman transmit a copy to the secret committee now in Westchester county, requesting them to give the necessary directions relative thereto.

The Committee being informed that the sick in the hospital at this place are very much neglected,

Ordered, That Mr. Cantine, Mr. Schenk and Mr. Taylor be a committee to enquire into the state of the hospital at this place, and report without delay.

A letter from Digby Odlum, setting forth his former services, and praying his birthright in the army of the United States, was read and referred to the committee of arrangement.

A letter from the committee of Albany, dated the ninth instant, relating to the Continental loan office, and the depreciation of the Continental money, was read and referred to Mr. Duane, Mr. Jay and Mr. Robert Yates.

The report of the committee permitting inoculations for the small pox under certain restrictions, was read.

On motion,

Ordered, That the same be committed to Mr. Duane for revisal, who is requested to report the same to-morrow morning.

The committee to whom was referred the draft of a letter to Governor Trumbull, on the subject of the prohibition of merchandise being brought into this State, from or through Connecticut, reported the same as amended by them, which was read and approved of, in the words following, to wit:

"SIR—The Committee have received your favour of the first instant, and direct me to inform Your Excellency, that although the expedient mentioned therein may tend, in some sort, to alleviate the difficulties which this State labour under by the embargo laid in Connecticut, yet we are of opinion that it will not entirely remove them, and at the same time in so far as that embargo relates to the inhabitants of this State, it will much injure the Colony of Connecticut.

"You must be sensible, sir, that at present all the articles of foreign produce which we can obtain, must come to us through the eastern or southern States. No fact can be clearer than this, that every restraint on trade enhances the price of commodities. The impediments, therefore, in our commerce through your State, will naturally turn the channel of it to the southward. Now, sir, it being evident that the bringing of goods through the State of Connecticut must enrich that State by the whole expense attending land carriage, it is equally evident that every discouragement must work a considerable loss to that State.

"I am further to observe to you, sir, that this State is, of all others, in the most distressed situation, and every aggravation of our distresses will, you are sensible, put new arguments into the mouths of the disaffected, who let slip no opportunity of painting in the liveliest colours the benefits we should receive from an immediate submission to that power, whose tyranny and barbarity all good men view with abhorrence. Merchants belonging to the State of New-York have retired to Connecticut for the sake of commerce, and by their personal property the trade of your State hath been much increased. Now, it is evident, where merchants of this State bring commodities into Connecticut on their own account, it is certainly just and right to furnish such commodities intended for the use of our inhabitants, with a free passage through Connecticut.

"The Committee have too good an opinion of the Legislature of Connecticut to suppose that they had it in idea to cut off the communication between this State and the seaports to the eastward of us, in order to reduce the price of commodities in those ports. Their good sense would certainly teach them the inefficiency of such violent remedy, and their humanity would forbid them to employ it.

"Besides this, the great exertions which you have made in the common cause, forbid us to harbour such suspicions. We seek for the source of that embargo in your own necessities, and the avarice, rapacity and extortion of your neighbours, through the just resentment of which you have neglected that attention which otherwise would have been paid to this State. We shall, therefore, submit it to your Excellency, whether it would not be proper to suffer all such goods to pass through Connecticut into this State, as shall appear by a proper certificate from the chairman of the committee where the same have been purchased to the eastward of your State for the use of our inhabitants.

"As to such commodities as merchants of this State have imported into Connecticut for the use of your inhabitants, such a general resolution we conceive to be entirely within equity of your law, and would, we imagine, remove the uneasiness which our constituents now labour under.

"The general power given to Mr. Canfield cannot effectuate these good purposes, since he cannot, on all occasions, be a proper judge of our wants, or be able to determine whether the proprietor of goods does really stand in need of them for the use of his family.

"The Committee have not the least doubt that you will act on this as you have done on every other occasion in which the general good of America hath been concerned, and exert yourself to the utmost to promote that concord, unanimity and good neighbourhood, which is necessary, not only for the States of Connecticut and New-York, and also for the great cause in which they are so deeply engaged.

"I have the honour to be, sir,
"With great respect, your most
"Obedient and humble servant.

"His Excellency Govern. TRUMBULL."

Ordered, That a copy thereof be signed by the President, and transmitted.

WEDNESDAY MORNING,
Fishkill, Jany. 15th, 1777.

PRESENT—James Livingston, Esqr. *Chairman*.

Mr. Dunscomb, Mr. Duane, Mr. Harper—*New-York*.

Mr. Contine, Mr. Parks—*Ulster*.

Mr. Little—*Orange*.

Mr. Sessions, Mr. Stephens—*Cumberland*.

Col. P. R. Livingston, Mr. Taylor, Col. Van Rensselaer, Mr. R. Yates—*Albany*.

Mr. John Schenk, Mr. Henry Livingston, Mr. Henry Schenk—*Dutchess*.

Mr. Harper—*Tryon*.

Mr. Smith, Mr. Gelston—*Suffolk*.

Mr. Morris—*Westchester*.

Mr. Webster—*Charlotte*.

A letter from Captain Samuel Tudor, at Poughkeepsie, dated Jany. 14th, recommending that the ship carpenters be employed in cutting timber for a 74 gun ship, instead of employing them on the ships in the cold season, was read and referred to Captain Schenk, Colonel Livingston and Mr. Roosevelt.

A letter from Philip Bartill, of Claverack, informing of his ill state of health, and requesting permission to resign his commission as ensign in the eighth regiment of militia, whereof Robert Van Rensselaer is colonel, was read.

Resolved, That the said Philip Bartill's resignation be accepted; that Jacob Blanter, Junr. be appointed in his stead, and that a commission issue immediately.

Ordered, That Mr. Henry Schenk be added to the committee for exploring mines and making assays in sulphur, &c.

Ordered, That commissions issue to the following persons in Col. P. R. Livingston's regiment of militia, in the manor of Livingston, to wit:

Samuel Ten Broeck, 1st major, vice John R. Livingston, resigned.

Dirck Jansen, 2nd Major, vice Saml. Ten Broeck, promoted.

Hindreck Pulver, captain of the ninth company, vice Petrus Van Gaasbeeck, promoted in Continental service.

Leonard Ten Broeck, captain of the first company, vice Dirk Janson, promoted.

Ordered, That the Treasurer of this State pay unto Abraham Goodwin the sum of eight pounds, for riding express into New-Jersey with despatches to General Washington and General Geo. Clinton.

Isaac Roosevelt and Peter R. Livingston, Esqrs. the committee to whom was referred the account of Joseph Hallet, respecting the hire and demurrage of the sloop Nancy, John Harrison, master, from New-York to Bordeaux, in France, and back to New-York again; reported that they have examined the minutes of Congress, and find that on the 15th September, 1775, Messrs. Jacob Van Zandt, Henry Remsen and Louis Pritard, were appointed a committee to employ a vessel, and to despatch her, with proper directions, to purchase gunpowder and arms, and that they were supplied with £4,000 out of the treasury for that purpose.

That they were directed that if neither gunpowder nor arms could be obtained, to lay out the whole money in saltpetre, and if no saltpetre, then to purchase 20 tons of lead, and the residue of the said money be invested in blankets fit for soldiers; and if no blankets, then coarse woollens for soldiers' clothing, &c.

That on the 21st of October following, Mr. Van Zandt, in behalf of the committee, reported that they had chartered a vessel for £550 sterling; that she was to go to sundry places to obtain those articles they were directed to purchase; that said vessel was to lay 40 working days to receive her cargo; that after such time they were to allow 40s. sterling per day, demurrage.

That the Congress then ordered an entry to be made that they approved of the contract so reported.

That the committee had compared the said account with the said reported contract, and find it agreeable to the same, and therefore allow it to be right, and that the sum of £1,204, currency, is justly due.

Ordered, That the Treasurer of this State pay to Henry Remsen, Esqr. or his order, the sum of one thousand two hundred and four pounds, in full for the freight and demurrage of the sloop Nancy, as stated in the before mentioned account, on the voyage from the city of New-York to Bordeaux, in France, agreeable to the contract for that purpose, made between the said Joseph Hallet, of the one part, and Jacobus Van Zandt, and Lewis Pintard and Henry Remsen, Esqrs. on behalf of the Provincial Congress of this State, on the other part, and take a receipt in full for the same.

The Committee to whom was referred the petition of the committee of the manor of Rensselaerweyck, Claverack and Kings districts, in the county of Albany, (the same being read and approved of in the general county committee, at the city of Albany, the 8th of January, 1777,) praying the removal of sundry of the field officers in Hindershook district, and appointing others in their stead, reported that the conduct of the majority of the inhabitants of said district, who have repeatedly rather retarded and prevented any aid from said regiment in times of the greatest need, than using their authority in forwarding the same; and that they were therefore of opinion that the removals of Colonel Andries Witbeck, Lieutenant-Colonel Barent Vanderpoole, Major Lawrence Goos, Adjutant Isaac Vanderpool and Quarter-Master John D. Goes, be immediately issued; and that the following gentlemen be immediately put in commission, to wit: Abraham Van Alstin, colonel; Philip Van Alstyne, lieut. colonel; Isaac Goes, first major; John M. Van Alstyn, adjutant, and Tobias D. Van Buen, quarter-master, agreeable to the prayer of said petition.

Which said report was read and agreed to.

Ordered, That commissions issue immediately to the gentlemen recommended by the said committee for field officers in said district, instead of those superseded.

Mr. Duane, to whom was committed the report of a committee, with certain resolutions, for allowing or permitting inoculation for the small pox, reported the same as revised by him, was read and agreed to, as follows, to wit:

WHEREAS a number of persons belonging to the army of the United States of America, in the last campaign to the northward, suffered much by the small pox, and many of them were deprived of their lives by that disorder, in a most cruel and distressed situation, having no place proper for their accommodation in such a difficult and dangerous disease: AND WHEREAS by reason of the disbanding and returning home of said troops, the disorder is spread through different parts of this State, greatly to the injury of the inhabitants,

Resolved, therefore, That the resolution of the Provincial Congress, passed on the 13th day of December, 1775, be and is hereby suspended until the 1st day of April next; and that any proper person in prison or persons skilled in the practice of inoculation, shall be permitted to inoculate within this State (except in the county of Westchester and the lower end of the county of Orange), in such places as the committee in every town, manor, precinct or district shall think proper, till the first day of April as aforesaid, consistent with the welfare of this State.

Ordered, That the same be printed and published in handbills.

The petition of Mary Handly, the wife of Edward Handly, requesting permission to go into New-York to bring from there, such of their children as are there and her husband, who is sick and often deranged; also the petition of Bridget Morgan, aged 13 years, and daughter of Benjamin Morgan, of the city of New-York, cordwainer, praying a permit to return to her parents, were read.

Ordered, That a permit be granted to the said Mary Handly and the said Bridget Morgan, to go to New-York, similar to that which was lately granted to Mr. Hazard for that purpose.

Mr. Schenk, from the committee appointed to examine and inquire into the state of the hospital at this place, reported that the sick in the hospital have suffered much for want of nurses, beds, and attendance, together with the badness of the house in which the said hospital is kept; that from the best information the committee could collect, some of those obstacles will soon be removed, as carpenters are at work repairing the hospital, and beds are making; that nurses are of the utmost importance and none can be procured at this place. The committee are therefore of opinion that so many as are necessary may be hired from among those women who are supported by the State.

Which report being read,

Ordered, That the same committee be directed and authorized to give the surgeon or superintendent of the hospital all the aid and advice they shall deem necessary for the public service.

Ordered, That the Treasurer of this State pay to Robert Benson the sum of twenty dollars, for so much by him advanced to Patrick McClosky, an express rider from the Honourable Continental Congress, to defray the expense of his journey from this place to the States of Connecticut and Massachusetts; that the same be charged to Continental account.

Colo. Livingston, from the committee to whom was referred the letter from Samuel Tudor, delivered in their report, in the form of a resolution, which was read and agreed to, in the words following:

"*Resolved*, That the master builders appointed to build the Continental frigates at Poughkeepsie, employ such of the ship carpenters as can, with the approbation of the superintendents, be spared from the public work in which they are now engaged, in cutting such timber, in such places where it can be procured most conveniently, as they shall judge suitable for the purpose of building a ship of 74 guns, and have the same drawn out to, or near such roads or places, as they shall judge proper, and where such timber

will be least in danger of being destroyed; and that this Committee, or the Convention, will advance the money to pay the expenses attending the procuring such timber, (the accounts to be signed by the master builders, or the major part of them,) of which the superintendents are directed to have a separate account from those kept for the other ships."

Ordered, That a copy thereof be delivered to Mr. Burling, and another transmitted to Mr. Tudor.

The Committee of Safety adjourned till to-morrow morning.

THURSDAY MORNING,
Fishkill, Jany, 16th, 1777.

The Committee met pursuant to adjournment.

PRESENT—James Livingston, Esqr. *Chairman.*

Mr. Duane, Mr. Harper, Mr. Dunscomb, Mr. Roosevelt—*New-York.*

Col. Livingston, Col. Van Rensselaer, Mr. Rob. Yates, Mr. Taylor—*Albany.*

Mr. Harper—*Tryon.*

Mr. Sessions, Mr. Stephens—*Cumberland.*

Mr. Smith, Mr. Gelston—*Suffolk.*

Mr. Parks, Mr. Cantine—*Ulster.*

Mr. H. Schenk, Mr. Jno. Schenk—*Dutchess.*

Col. Drake, Mr. Morris—*Westchester.*

Mr. Little—*Orange.*

Mr. Webster—*Charlotte.*

Ordered, That Colonel Livingston and Mr. Roosevelt be added to the committee for auditing accounts, and that any three of the said committee be a quorum.

Resolved, That Col. H. B. Livingston be requested to send an officer to forts Montgomery and Constitution, to inquire into the state of those garrisons; as to the number of men, and the corps to which they respectively belong; and that he inform the Committee of the result of the business with all possible despatch.

A letter from Col. Cornelius Humphrey, requesting that he be authorized to appoint Wm. B. Alger, paymaster to the regiments of volunteers raising, and to be under his command.

Resolved, That Colonel Humphrey be, and he is hereby, authorized to appoint Wm. B. Alger, Paymaster to the regiment of volunteers under his command.

Ordered, That Mr. Duane, Mr. Taylor and Mr. Robert Yates, be a committee for devising ways and means, for providing blankets and stockings for the troops raising in this State.

Resolved unanimously, That Gerard Bancker, Esqr. be, and he is hereby, appointed Vice-Treasurer of this State, and that he be allowed a salary after the rate of £300 per annum, to commence on the 28th day of August, 1775.

Ordered, That Colonel Van Rensselaer be added to the committee for detecting conspiracies, &c. until the return of a sufficient number of the members of that committee, who are now absent, to form a quorum.

A pay roll of Jacob Brewster, a lieutenant, and Cornelius Clark, Zophar Hawkins and Jacob Jones, privates, of Captain Selah Strong's company, in Colonel Josiah Smith's company, who joined Colonel H. B. Livingston's regiment, from the 20th July to 12th Decr. both days included, was exhibited to the Committee of Safety for payment; the said pay roll amounts to £70 18*s.* 9*d.* and thereto is annexed a subsistence roll, amounting to £16 8*s.* 0½*d.* At the same time was produced to the said Committee an account of £6, for half the bounty due to the said Cornelius Clark, Zopar Hawkins and Jacob Jones, and marked No. 3. On the said rolls is endorsed an affidavit of the said Caleb Brewster, sworn before the chairman, that the same is a just and true pay and subsistence roll for the time therein specified; that neither the said Caleb Brewster, nor any of the within named persons have received any pay, or subsistence, for the within claim but what is deducted; and that the said account, or roll, No. 3, a charge of half bounty for three men, is just, according to a resolve of Convention, made for that purpose. Thereon is also endorsed a certificate of a committee of three members for auditing the account, to wit: Alexander Webster, Peter R. Livingston and Isaac Roosevelt, stating that they have examined the said pay and subsistence rolls, and find that there is due thereon, £87 6*s.* 10½*d.* and that there is due the further sum of £6, for half bounty of the said three men, agreeable to account No. 3; in the whole, amounting to £93 6*s.* 10½*d.*

Ordered, That the Treasurer of the State pay to Caleb Brewster, £87, 6*s.* 10½*d.* in full for his pay and subsistence, and for the pay and subsistence of Cornelius Clark, Zophar Hawkins and Jacob Jones of Suffolk county; and the further sum of six pounds for the bounty of the said three persons last named, amounting together to the sum of £93 6*s.* 0½*d.*, taking his receipt for the same.

The committee to whom was referred the letter of General James Clinton, of the 4th Jany. inst. reported the following resolutions, to wit:

Resolved, That the part of General Clinton's letter relating to recruiting orders, be referred to the committee of arrangement.

Resolved, That Captain James Week be appointed Assistant Commissary of the arms, ammunition and other military stores belonging to this State, at this place; and that he receive into his care all the arms that shall be delivered in store at forts Montgomery and Constitution (by the disbanded soldiers;) and that he cause the same to be conveyed to this place for the use of such of the levies as are not provided, without delay.

The Committee of Safety adjourned until to-morrow morning.

FRIDAY MORNING,
Fishkill Jany. 17th, 1777,

The Committee met pursuant to adjournment.

PRESENT—James Livingston, Esqr. *Chairman.*

Mr. Duane, Mr. R. Harper—*New-York.*

Mr. Cantine, Mr. Parks—*Ulster.*

Major Lawrence—*Queens.*

Mr. Little, Mr. Harper—*Tryon.*

Mr. Taylor, Col. Livingston, Col. Van Rensselaer—*Albany.*

Mr. John Schenk, Mr. H. Schenk—*Dutchess.*

Mr. Webster—*Charlotte.*

Mr. Sessions, Mr. Stephens—*Cumberland.*

Mr. Smith, Mr. Gelston—*Suffolk.*

Col. Drake—*Westchester.*

Mr. Little—*Orange.*

WHEREAS several vessels and a considerable quantity of cattle, stock and effects, and also some powder, were brought over from Long island to some part of Connecticut, and then disposed of or stored, and no account has been given or rendered of such cattle or effects.

Resolved, That Mr. L'hommedieu, Mr. Tredwell, Mr. Miller and Mr. Gelston, or any two of them, be a committee to procure accounts of the sale or disposition of such vessels, cattle, stock and effects, and report the same to the Convention or Committee of Safety of this State without delay; and at the same time, that they inquire and report the reasons why the arms brought from Long island to Connecticut, have not been sent to this place agreeably to a former resolution of this House. And the said committee are hereby directed to cause the said powder to be forthwith transported to this place.

Mr. Duane, from the committee appointed to confer with Major-General Schuyler, delivered in the report of the said committee, which was read, and is in the words following, to wit:

"That proper and effectual means ought to be adopted to prevent the depreciation of the Continental and other paper currency, the monopolizing and engrossing commodities necessary for the use of the Continental troops, and for the more easy supplying the army with provisions and other necessaries.

"That the General has represented that he stands in need of a sum of money to supply the military chest in his department, without which the public service will be greatly impeded, and your committee are of opinion that his requisition ought to be complied with." Thereupon,

Resolved, That a committee be appointed to devise ways and means for preventing the depreciation of the Continental and paper currency; the monopolizing and engrossing commodities necessary for the Continental troops, and for the more easy supplying the American army with provisions and other necessaries.

Resolved, That Mr. Duane, Mr. Jay and Mr. Morris, be the committee.

Resolved, That the sum of twenty thousand pounds be advanced to General Schuyler, out of the treasury of this State, for the public service, and on the credit and account of the United States; and that the Chairman of this Committee issue his warrant to the Vice-Treasurer to advance and pay the same to Major-General Schuyler, or his order, accordingly.

Ordered, That the Treasurer, or Vice-Treasurer of this State, pay unto Captain Nathaniel Scribner the sum of £143 0*s.* 4½*d.* for the subsistence, and the further sum of £190 1*s.* 3½*d.* for the pay of his company of rangers, for suppressing of disaffected persons, agreeable to his pay and subsistence rolls, this day audited and reported by the committee of accounts.

The Committee of Safety then adjourned till to-morrow morning.

SATURDAY MORNING,
Fishkill, Jany. 18*th*, 1777.

The Committee met pursuant to adjournment.

PRESENT—James Livingston, Esqr. *Chairman.*

Mr. Dunscomb, Mr. Roosevelt, Mr. Duane—*New-York.*

Mr. Cantine—*Ulster.*

Mr. Little—*Orange.*

Mr. Sessions, Mr. Stephens—*Cumberland.*

Mr. Adgate, Mr. R. Yates, Col. P. R. Livingston, Col. Van Rensselaer—*Albany.*

Mr. J. Schenk, Mr. H. Schenk—*Dutchess.*

Mr. Harper—*Tryon.*

Mr. Laurence—*Queens.*

Mr. Gelston, Mr. Smith—*Suffolk.*

Col. Drake, Mr. Morris—*Westchester.*

Mr. Webster—*Charlotte.*

A petition of John Moley, without date, directed to the Honourable Convention, was read. He therein sets forth that he deserted from the British troops at Boston, and is now confined a prisoner as inimical to America.

A petition of Stephen Lyon, without date, and directed to the Honourable Convention, was read. He therein sets forth that he has been taken prisoner from the American troops under the command of General Wooster, and that he has been heretofore ready to obey every call for his country's service.

Ordered, That the said petitions be referred to the committee for detecting conspiracies, &c.

A pay and subsistence roll of officers, non-commissioned officers and privates, of Captain Hendrick Schoonmaker's company of Major Adrian Wyncoop's detachment of militia raised in Ulster county for the defence of the passes in Hudson's river, pursuant to the resolutions of the Committee of Safety, passed on the 10th and 11th days of October last, were exhibited for payment. That the said roll amounts to £157 17*s.* 0¾*d.* The same roll was sworn to by the said Hendrick Schoonmaker, on the 17th inst. before the Chairman, and audited and allowed for the sum therein specified, by Peter R. Livingston, Isaac Roosevelt and Alexander Webster, Esqr. three of the members appointed for auditing accounts.

Ordered, That the Treasurer of this State pay to Captain Hendrick Schoonmaker the sum of £157 17*s.* 0¾*d.* in full for the pay and subsistence of the said company while in service as a part of Major Adrian Wynkoop's detachment of militia, to guard the passes in the Highlands, pursuant to the resolution of the tenth and eleventh of October last.

A roll or account for the pay and subsistence of Major Adrian Wynckoop, while commanding 200 men in the service above mentioned, 27 days, to wit, from the 13th of October to the 8th of November last, both days inclusive, was exhibited for payment. The said roll amounts to £16 1*s.* 4½*d.*; which account is sworn to before the chairman, and audited for the sum therein specified, by Peter R. Livingston, Isaac Roosevelt and Alexander Webster, the members of the committee of accounts.

Ordered, That the Treasurer of this State pay to Major Adrian Wynckoop the sum of sixteen pounds one shilling and four pence half penny, for pay and subsistence roll for 27 days, while commanding a detachment of militia on the banks of Hudson's river to guard the passes in the Highlands, pursuant to the resolutions of the Committee of Safety, passed the tenth and eleventh days of October last.

Ordered, That the Treasurer pay unto Daniel Horton the sum of £5, for the storage of military stores (at his house) belonging to this State, and for the guards attending the same, agreeable to his account, audited and reported this day.

Ordered, That Colonel Livingston, Mr. Henry Schenk and Col. Drake, be a committee to dispose of five horses and sleigh and harness, now in the care of Joshua Carman, and taken by said Carman from sundry disaffected persons belonging to this State; and that they account to this committee for the proceeds of the same.

The Committee of Safety then adjourned until the afternoon.

SATURDAY AFTERNOON, *Fishkill, Jany.* 18, 1777.

PRESENT—The Chairman, and the same members as the forenoon.

The petition of Captain Baldwin, dated the 18th instant, was read, praying that his company of rangers may be clothed and furnished with other necessaries which they want, in consequence of their being longer retained in service than they expected.

The Committee being informed that Colonel Livingston is gone to the fortifications on Hudson's river, to obtain a correct information of the state of the fortifications,

Ordered, That Mr. Adgate inform Mr. Baldwin that the Committee of Safety will give him an answer on Mr. Livingston's return.

The committee appointed to repair to the counties of Cumberland and Glocester, and inquire into the state of those counties, &c. reported:

"That numbers of disaffected persons in the counties of Albany and Charlotte, commonly called the Green Mountain Boys, together with divers inhabitants of Cumberland and Glocester, have industriously made use of every argument, to induce the inhabitants of those counties to disavow the authority of this State, and unite with them, in forming themselves into a new and separate State. Among the many arguments made use of by them to make proselytes to their measures, are the following, vizt:

"'That those lands originally belonged to New-Hampshire; that the confirmation of those lands by the King and Council, were obtained by the New-Yorkers in a fraudulent and unjust manner; that their claims were not equitable; that Governor Wentworth withdrawing his pretensions to those lands by proclamation, was owing to an apprehension

that the seat of government would be removed to the interior part of the State, in case those counties should remain annexed to New-Hampshire; that the enormous quit rent exacted by New-York, is another instance of the injustice that is grinding the face of the poor, in extorting large sums from the infant and remote counties, at a time when large flourishing manors pay the most trifling acknowledgments; that the customs and manners of those counties, are different from the inhabitants of this State, they being emigrants from New-England; add to this, their remote situation from the seat of government, renders a separation necessary; that the arbitrary usurpation of the King of Great Britain, obliged the good people of those States to withdraw their allegiance from said King; that the right of government reverted to its original source—the people.

"'That government is on float; that the people have a right to unite themselves in such political bodies, and frame such a code of laws, as shall appear to them to be most beneficial.

"'That a number of respectable characters in the eastern and other governments, have advised them to those measures, among whom are members of the Continental Congress. Mr. Adams is frequently mentioned as one of them.'

"Your committee submit Mr. Jones' letter and Captain Seeley's information, as evidence of the last mentioned fact; that the raising Col. Warner's regiment within the State, independent of the authority thereof, by order of Congress, is also made use of as an argument in favour of their measures; that a meeting called the Convention is formed at Dorset, in the county of Charlotte, and repeated invitations are given to the inhabitants of Cumberland and Gloucester, to send delegates, and accede to their measures. A number of the minutes of this meeting, your committee submit for your perusal. From every intelligence the committee could collect, it appears that this evil originates in Charlotte and Albany county, among a number of people called Green Mountaineers; that they are indefatigable in sending their emissaries into the counties of Cumberland and Gloucester, who delude many of the peaceful inhabitants thereof, with those specious arguments; that a number of the good people of those counties are averse to their measures, but do not publicly declare their sentments; concluding that the affair will be taken up by the State, which will prevent their coming to rupture with a set of turbulent and and disorderly neghbours."

An extract from the votes and proceedings of a general convention held at Dorset, on the New-Hampshire grants, was read.

A report of the committee of Cumberland, dated the fifth of November, and signed "James Clay, chairman," and attested, Elkannah Day, clerk, was read.

The information given by Mr. Seelye to Mr. Taylor was read.

A copy of a letter from R. Jones, dated at Prospect Hill, August 17, 1775, and directed to Major Abijah Lovejoy, at Westminster, was read.

Mr. Taylor was also informed by a number of persons in Cumberland county, that Hernan and Col. Nash had declared that Mr. Adams, one of the members of Congress, had advised the inhabitants of Cumberland county and the territory adjacent, to apply to Congress to be made an independent State. Mr. Taylor further stated, that he was well informed that there was a committee of thirteen members in that county who take upon themselves to determine even titles to lands.

Ordered, That every member of Convention now present, and every member in the neighbourhood who can be notified, be directed to attend on Monday at ten o'clock; and that the report of the committee on the state of Cumberland and Gloucester counties be then taken into consition.

The Committee then adjourned until Monday morning.

MONDAY MORNING,

Fishkill, Jany. 20th, 1777.

The Committee met pursuant to adjournment.

PRESENT—James Livingston Esqr. *Chairman*.
Mr. Dunscomb—*New-York*.
Mr. Little—*Orange*.
Col. Van Rensselaer, Mr. Taylor, Mr. Adgate—*Albany*.
Mr. Smith, Mr. Gelston—*Suffolk*.
Mr. Harper—*Tryon*.
Major Lawrence—*Queens*.
Mr. Sessions, Mr. Stephens—*Cumberland*.
Mr. John Schenk, Mr. Henry Schenk—*Dutchess*.
Mr. Cantine—*Ulster*.
Mr. Webster—*Charlotte*.
Judge Graham, Mr. Morris—*Westchester*.

Two letters from Lewis McDonald, Esqr. chairman of the committee of Bedford, the one dated the 4th instant, accompanying James Miller, a disaffected and dangerous person, and enclosing the evidence against him, together with an order signed Wm. Duer and Nathaniel Sacket, Esqrs. and directed to the said Lewis McDonald, Esqr. for the apprehending and securing said James Miller, and cause him to be sent under guard to Fishkill; the other letter dated the 14th instant, accompanying four other persons inimical and dangerous to the common cause of America, were respectively read.

Ordered, That they be referred to the committee for detecting conspiracies, &c.

A letter from Lancaster Burling and Stephen Seaman, shipwrights at Poughkeepsie, dated the 17th inst. was read.

Ordered, That Mr. Augustine Lawrence, do attend this Committee on Monday, the twenty-seventh instant, at 10 o'clock in the forenoon, and that Lancaster Burling or Stephen Seaman do attend at the same time.

On considering the petition of Captain Baldwin, presented on Saturday,

Resolved, That Captain Baldwin, with his company of rangers, be permitted to return to the county of Albany, and that he be allowed one carriage for the purpose of transporting a sick man and the baggage of the said company.

Ordered, That commissions issue to the officers of such of the companies of rangers (except Capt. Bradt) as have not yet had commissions given them.

A letter from the Honourable John Hancock, dated at Baltimore the 10th of January inst. enclosing the resolves of Congress of the ninth, directing and requiring that a return should be made to Congress of the number of recruits in this State, was read.

A letter from Francis Lewis, Esqr. dated at Baltimore, the seventh instant, requesting more members might be sent to the Continental Congress, as he was there alone, of the Representatives of this State, was read and filed.

Ordered, That the Treasurer of this State pay to Captain Jacob Rutson Dewit, the sum of £175 5*s*. for the pay of his company of rangers, raised in the county of Ulster, from the fifth day of November to the 24th day of December, 1776, inclusive; also, the further sum of £128 15*s*. 10½*d*. for the subsistence of the said company from the said fifth day of November to the said 4th day of December, inclusive; also, the further sum of £178 18*s*. 8*d*. for the pay of the said company from the 5th day of Decr. to the 3d day of January instant, inclusive; also, the further sum of £125 15*s*. 3*d*. for the subsistence of the said company from the said fifth day of December to the said 3d day of January, inclusive; the said four sums amounting to £508 14*s*. 9½*d*. as will appear by the pay and subsistence rolls of the said company, sworn to by the captain and audited and reported by the committee of accounts this day.

Ordered, That the Treasurer of this State pay unto Gilbert Barnes the sum of four pounds eighteen shillings,

in full for his account of lodging, dieting and other expenses attending the keeping a sick discharged soldier, named John Perney, agreeable to Mr. Barnes' account, audited by the committee of accounts, and delivered in this day.

A letter from Henry Cuyler, Esqr. at Albany, dated the 13th inst, mentioning that the resolution for making him a prisoner and sending him to Boston, has been communicated to him, and requesting that he might be permitted to remain with his family during the present inclement season, or until his exchange could be effected.

Ordered, To lie on the table.

A letter from General James Clinton, stating that he had delivered to Captain Weeks the commissary of military stores, the arms, &c.

Col. Henry B. Livingston, agreeably to the order of this Committee, delivered in a return of the garrisons of forts Montgomery and Constitution, which was read, and follows, to wit:

"*A return of the officers and men now in garrison at Fort Constitution, under the command of the Honourable Genl. Jas. Clinton, Jany, 18th,* 1776.

OFFICERS' NAMES.	Col.	Lt. Col.	Majors.	Captains.	1st Lieut.	2d Lieuts.	Ensigns.	Chaplains.	Adjt.	Qr. Master.	Paymaster.	Surgeons.	Mates.	Sergts.	D. & Fife.	Prest. fit for duty.	Sick prest.	Sick abst.	On comd.	Total.
Col. Livingston's regiment,	....	...	....	....	1	....	....	....	...	....	....	..	..	3	2	54	1	....	....	60
Col. Gansevoort's do	....	....	....	....	....	....	....	....	....	....	....	..	..	....	....	....	4	....	....	4
Col. Dubois, do	....	....	....	....	....	....	....	....	....	....	....	..	..	....	....	1	5	....	....	6
Col. Swartwout's do	....	...	....	2	2	2	....	....	1	....	....	..	..	6	2	37	1	2	....	42
Captain Baldwin's independent company,	....	....	...	1	1	....	....	....	....	....	....	..	..	3	....	17	12	11	1	47
Total,				3	4	2			1					12	4	103	23	13	1	159

A return of the officers and men in garrison at Fort Montgomery, under the command of the Honble. Brigadier-General James Clinton, Jany. 18*th*, 1776.

OFFICERS' NAMES.	Comd. officers.							Staff officers.						Non comd		Rank and file.					
	Colonels.	Lt. Colonels.	Majors.	Capts.	1st Lieuts.	2d Lieuts.	Ensigns.	Chaplains.	Adjt.	Qr. master.	Paymaster.	Surgeons.	Mates.	Sergeants.	Drums and Fifes.	Prest. for duty.	Sick present.	Sick absent.	On com.	On Furlough.	Total.
Captn. Griffiing's 2d N. Y. regiment,	....	....	....	....	1	....	1	....	....	....	....	....	....	2	1	15	5	....	2	1	23
Captn. Jackson do	....	....	....	....	1	....	1	....	....	....	....	....	....	2	1	21	5	2	1	....	33
Captn. Belknap do	....	....	....	1	1	....	1	....	....	....	....	....	....	3	1	22	2	....	1	3	33
Capt. Childs do	....	....	....	1	....	....	1	....	....	....	....	....	....	1	....	15	2	3	....	2	22
Capt. Rose do	....	....	....	1	....	....	....	....	....	....	....	....	....	2	2	27	....	2	....	1	30
Captn. Davis do	....	....	....	....	....	....	....	....	....	....	....	....	....	2	1	19	....	....	....	....	19
				3	3		4		1	1	1	1	1	12	6	119	14	7	4	7	157

The Committee of Safety then adjourned until 4 o'clock this afternoon.

Die Lunæ, 4 *ho. P. M. January* 20*th*, 1777.

The Committee met pursuant to adjournment.

Present—James Livingston, Esqr. *Chairman.*
Mr. Duane, Mr. Dunscomb—*New-York.*
Mr. Gelston, Mr. Smith—*For Suffolk.*
Mr. Little—*Orange.*
Mr. J. Lawrence—*Queens.*
Col. Van Rensselaer, Mr. Adgate, Col. P. R. Livingston—*Albany.*
Major Schenk, Mr. John Schenk—*Dutchess.*
Mr. Wm. Harper—*Tryon.*
Mr. Stephens, Mr. Sessions—*Cumberland.*
Mr. Cantine—*Ulster.*
Genl. Morris, Mr. Morris, Judge Graham—*Westchester.*
Major Webster—*Charlotte.*

A letter from Mr. James Hunter, dated the 16th inst. was read. He therein informs that there is a great resort of people from Mohawk river at Wilmantown, who are supposed to carry letters to and from Lady Johnson; that her horses are destroying the hay left on the farm of Mr. Barclay for the stock left there for the support of the overseer and slaves.

Ordered, That the said letter be referred to the committee for the detecting the conspiracies formed in this State, &c.

Resolved, That James Vandenburgh be appointed one of the commissioners by the resolutions of the third day of January directed, and that any three of the said commissioners be a board to do business.

The House were informed that a gentlemen is at the door attending with a prisoner. The gentleman being admitted, says, that in pursuance of a letter, and certain resolutions therein contained, made and passed by the Representatives of this State, on the day, he has brought to this place as prisoner, a certain John Bloomer, together with accounts of the costs and charges of his imprisonment.

Ordered, That Mr. Contine, Mr. Gelston, and Mr. Schenk, be a committee to meet Thomas Stebblings, after the House adjourns, and receive papers and information relative to the case of the said John Bloomer, and report thereon. And in the mean time,

Ordered, That the said John Bloomer be committed to the sergeant-at-arms.

Ordered, That the Treasurer of this State, pay unto Captain Petrus Van Gaasbeek, the sum of fourteen pounds four shillings and four pence in full, for the pay, and the further sum of three hundred and thirty-one pounds seven shillings and three pence in full, for the subsistence of his company, raised in the manor of Livingston and county of Albany, for the purpose of quelling the disaffected persons there, and for the defence of this State; amounting in the whole, to the sum of seven hundred and seventy pounds twelve shillings and one penny, agreeable to the pay and subsistence rolls of the said company, audited and reported by the committee of accounts.

Whereas, at the commencement of the present contest with Great Britain, the inhabitants of Cumberland and Gloucester counties in general submitted to the jurisdiction of this State, many of them obtained grants and confirmation of title from its late Government, and justice was administered by magistrates of its appointment: And

WHEREAS a spirit of defection and revolt has lately been extended to those counties through the arts and misrepresentations of certain people inhabiting the county of Charlotte, distinguishing themselves by the name of Green Mountain Boys, and their emissaries: AND WHEREAS the Congress and Convention of this State have hitherto contemplated the effects of this dangerous insurrection with silent concern, being restrained from giving it a suitable opposition by the apprehension that it might, at so critical a juncture, weaken our exertions in the common cause: AND WHEREAS the said insurgents and their emissaries, taking advantage of the patient forbearance of this State, and flattered by the countenance and strength which they have acquired by being embodied into a regiment under the immediate authority of the Continental Congress, and without the consent or coöperation of this State, have lately incited divers of the inhabitants of towns within the said counties of Cumberland and Gloucester, to unite with them in assuming a total independence; choosing a separate Convention, and framing a petition to the Honourable Congress for its sanction and approbation of this unprovoked revolt: AND WHEREAS the loss of so valuable a territory as is now attempted to be wrested from this State by the violence of a considerable part of its members, who have, during the present war, received liberal allowances out of the public treasury for more immediate protection, will not only oppress the remainder with the payment of the enormous debts which have accrued in the common cause, but must, at every future period, expose this State to be intruded into and overrun, its jurisdiction to be denied, and its authority contemned and set at defiance: AND WHEREAS divers ill disposed persons have, with wicked and sinister purposes, reported that members of the Honourable the Continental Congress, and other men of influence and authority in the neighbouring States do favour and support the insurrection aforesaid: AND WHEREAS the said ill disposed persons have also insinuated that the Honourable the Congress do countenance a design of dismembering this State by Seth Warner, who hath heretofore been, and still continues, a principal agent and abettor of the riots and revolt aforesaid, to command the before mentioned regiment: AND WHEREAS the appointment of the said Seth Warner is utterly inconsistent with the usual mode adopted in Congress, and approved in this and the neighbouring States, and contrary to the express representation in similar case made to the Honourable the Congress on the eleventh day of July last by the Convention of this State: AND WHEREAS such reports and insinuations, not only tend to justify the turbulent and disaffected inhabitants of the said counties, but divers of the good subjects of this State are discouraged from risking their lives and fortunes in the defence of America, while there is reason for apprehending, that after all their vigorous efforts, and all they have suffered and must continue to suffer for the common cause, and even after a successful period to the present conflict shall have restored happiness and security to her sister States, this State alone may remain exposed to havoc, devastation and anarchy, and to be deprived of great and valuable territories, to gratify the ambitious, unjust and selfish projects of its disorderly subjects: AND WHEREAS the inevitable foes to the liberties of America, from the earliest commencement of the present glorious contest, have endeavoured to alienate the minds of the good people of this State from the common cause, by representing that nothing less than the power of Great Britain can guard and defend their territorial rights, and protect their jurisdiction against usurpation and encroachment; and it is a truth to be lamented, that such representations have proved but too successful, and have now acquired additional force by reason of the premises: AND WHEREAS it is become absolutely necessary not only for the preservation of the authority of this Convention, and the confidence and respect of its constituents, but for the success of the United States, so far as they depend upon or are connected with this branch of the grand American confederacy, that proper and vigorous means should be forthwith exerted for vindicating its rights and asserting and securing its jurisdiction; and as a preliminary step to quieting the aforesaid disturbances, removing the jealousies and the apprehensions of the good people of this State, and depriving the wicked emissaries of Great Britain of the principal arguments by which they hitherto have, and still continue to debauch their minds, and seduce them from their allegiance to this State and their attachment to the common cause, a suitable application to the Honourable Congress of the United States may be attended with the most salutary effects; and that in the mean time coercive measures be suspended:

Resolved, therefore, That a proper application be immediately made to the Honourable Congress, to whose justice the said insurgents have appealed, and on whose advice they pretend to rely, requesting them to interpose their authority, and recommend to the said insurgents a peaceable submission to the jurisdiction of this State; and also to disband the said regiment directed to be raised by Colonel Warner, as the Convention hath cheerfully and voluntarily undertaken to raise a regiment in addition to the quota assigned for this State by Congress; have opened their utmost resources to the wants and necessities of the American army; have a great proportion of their militia now in the field; and are heartily disposed to contribute to the public service in every respect as far as the circumstances and abilities of the State will permit.

"SIR—I am directed by the Committee of Safety of New-York to inform Congress that, by the arts and influence of certain designing men, a part of this State hath been prevailed upon to revolt and disavow the authority of its Legislature.

"It is our misfortune to be wounded so sensibly, while we are making our utmost exertions in the common cause.

"The various evidences and informations we have received, would lead us to believe that persons of great influence in some of our sister States have fostered and fomented the divisions in order to dismember this State at a time when, by the inroads of our common enemy, we were supposed to be incapacitated from defending our just claims; but as these informations tend to accuse some members of your Honourable Body of being concerned in this scheme, decency obliges us to suspend our belief.

"The Congress will doubtless remember that so long ago as the month of July last, we complained of great injury done us by appointing officers within this State without our consent or approbation. We could not then, nor can we now, perceive the reason of such disadvantageous discrimination between this State and its neighbours. We have been taught to believe that each of the United States is entitled to equal rights. In what manner the rights of New-York have been forfeited, we are at a loss to discover. Although we never received an answer to our last letter upon this subject, yet we did hope that no fresh ground of complaint would have been offered us.

"The Committee are sorry to observe that by conferring a commission upon Col. Warner, with authority to name the officers of a regiment to be raised independent of the Legislature of this State, and within that part which lately hath declared an independence of it, Congress hath given but too much weight to the insinuations of those who pretend that your Honourable Body are determined to support these insurgents; especially as this Colonel Warner hath been constantly and invariably opposed to the Legislature of this State, and hath been, on that very account, proclaimed an outlaw by the late Governor thereof. However, confiding in the honour and justice of the great Council of America, we hope that you have been surprised into this measure.

"By order of the House, sir, I enclose you their resolution upon the important subject of this letter; and am further to observe that it is absolutely necessary to recall the commissions given to Col. Warner and the officers under

him; as nothing else will be justice to us, and convince those deluded people that Congress has not been prevailed on to assist in dismembering a State which, of all others, has suffered most in the common cause.

"The King of Great Britain hath, by force of arms, taken from us five counties, and an attempt is made in the midst of our distresses, to purloin three other counties from us. We consider the persons concerned in such designs as open enemies of this State, and, of consequence, all America.

"To maintain our jurisdiction over our own subjects, is become indispensably necessary to the authority of the Convention; nor will any thing else silence the plausible arguments by which the disaffected delude our constituents and alienate them from the common cause. On the success of our efforts in this respect, depends, too probably, even the power of the Convention to be longer serviceable in this glorious contest. It is become a common remark in the mouths of our most zealous friends, that if the State is to be rent asunder, and its jurisdiction subverted, to gratify its deluded and disorderly subjects, it is a folly to hazard their lives and fortunes in a contest which, in every event, must terminate in their ruin.

"I have the honour to be, &c.

"By order.

"The Honourable JOHN HANCOCK, Prest. &c."

Messrs. Nathaniel Stephenson, Thomas Comstock, Wing Kelley and Valentine Jenkins, of being the people called Quakers, attending at the door, were admitted.

One of them, on behalf of the others, informed the Committee of Safety that they are a deputation from a monthly meeting of Friends in the Oblong, in Dutchess county; that they have been informed by a person of their denomiantion from Westchester county, that an affirmation or test of allegiance had been tendered to him, as was said, by this House; that time had been given to the said person to consider of the said test, and that he is to be again called on for that purpose; that they are directed to inform this House that the people of their meeting have no designs against government; and if any such test has been directed to be taken by any of the Friends, to request to know what that test is.

Ordered, That Mr. Duane and Mr. Morris be a committee to meet the Friends above named, and confer with them on the subject of the message or deputation.

Ordered, That Col. Livingston and Mr. Gelston be added to the committee appointed on instant, and to consider of and report on the last letter received from Francis Lewis, Esqr. at Congress, and other matters therewith committed.

The Committee of Safety then adjourned until 10 o'clock to-morrow morning.

DIE MARTIS, 10 HO. A. M.

Jany. 21*st.* 1777.

The Committee of Safety met pursuant to adjournment.

PRESENT—James Livingston, Esqr. *Chairman.*

Mr. Duane, Mr. Dunscomb, Mr. Rob. Taylor—*New-York.*

Major Schenk, Capt. Schenk—*Dutchess.*

Mr. Robt. Yates, Mr. Adgate, Mr. Taylor. Col. Van Rensselaer—*Albany.*

Mr. Gelston, Mr. Smith—*Suffolk.*

Mr. Contine—*Ulster.*

Mr. Morris, Col. Drake, Judge Graham—*Westchester.*

Mr. Harper, Mr. Newkirk—*Tryon.*

Mr. Lawrence—*Queens.*

Mr. Stephens—*Cumberland.*

Major Webster—*Charlotte.*

Mr. Duane, from the committee appointed yesterday evening to confer with the deputation from the monthly meeting at the Oblong of the people called Quarkers, reported in parol the conference of the said committee, with the said deputation, and that the said deputation on behalf of their meetings requested:

1st. A copy of the test ordered to be administered to the people in Westchester county called Quakers, by the resolution of the Convention of this State, on the 27th of December last. And,

2ndly. That the administration of that test to the people of their denomination in the said county, (except to such persons as may be suspected of being inimical to the liberties of the State,) may, by order of this House, be suspended until their next quarterly meeting.

Ordered, That the Secretaries furnish to the said gentlemen, who are a deputation from the said meeting of Quakers, a copy of the said test with such introduction or note, or such other parts of the said resolutions as may show the reasons of their passing.

Resolved, That the second request of the said gentlemen, sent a deputation from the Friend's meeting in Oblong ought not to be granted; as an order to suspend the administration of that test would be an unjustifiable and odious distinction between those of their constiuents and those who are of the denomination called Quakers, and their constituents of all other denominations in Westchester county.

An account of James Webb against the Continent for four days' service of a sloop, and hands employed four days in September, in transporting Continental troops from Nassau island, was exhibited for payment; the balance thereon is three pounds twelve shillings, thereon is endorsed a certificate of Colonel Henry B. Livingston, that the services mentioned in the said account were performed.

Col. P. R. Livingston, Mat. Adgate and Alexander Webster, three of the members for auditing accounts, have thereon certified that there is due unto James Webb, or his order, £3 12*s.* 0*d.* for the use of his sloop and hands in the above service.

Ordered, That the Treasurer of this State pay to James Webb, or his order, on Continental account, the sum of three pounds twelve shillings in full for the use of his sloop Defiance, and service of his hands in transporting Continental troops from the second to the fifth day of September last, both days included, and take a receipt for the same.

An account of the said James Webb for the hire of the said sloop Defiance, and the use of his hands employed in transporting inhabitants and stock from Long island to the main land from the sixth to the 30th days of September last, was exhibited to the committee for payment. A certificate of Colonel Henry B. Livingston is endorsed thereon, that the said sloop was so employed. Therewith was also delivered a certificate of Mat. Adgate, Peter R. Livingston and Alexander Webster, three of the committee for auditing accounts, that they have examined the said account of James Webb, and the certificate examining the same, and are of opinion that the said James Webb be allowed for his said account, the sum of thirty pounds for twenty-five days, at three dollars per day.

Ordered, That the Treasurer of this State pay to Mr. James Webb, or his order, the sum of thirty pounds in full, for his said account, taking a receipt in full for the same.

A petition of Richard Southard, setting forth the great waste of timber on his farm by the Continental soldiers, artificers and colliers, was read.

Ordered, That Col. Van Rensselaer, Col. Graham and Major Lawrence, be a committee to report thereon.

Mr. Gelston, from the committee appointed to consider of the case of John Bloomer, and the accounts relative thereto, brought in their report, which was read and examined: Thereupon,

Resolved and Ordered, That the Treasurer of this State pay to Mr. Thomas Stebbings the sum of seven pounds three shillings and two pence, for his trouble and expences in bringing John Bloomer to this place, and for

Mr. Stebbings' time and expences for returning, and take his receipt for the same. And

Resolved, That the account sent by Moses Church, commissary of the committee of Springfield, for the maintenance of John Bloomer, be returned to the committee of Springfield, to be by them examined and certified; and if they shall think it reasonable, paid out of the money paid by this Committee to and now in the hands of the said committee.

Ordered, That the said John Bloomer be, by the sergeant-at-arms, brought before this Committee.

The said John Bloomer being brought before the Committee was examined and heard.

Ordered, That he attend again to-morrow morning.

A petition of Cornelius Haring and John Duremus, on behalf of the said John and other persons therein named, was read. They therein set forth that thirteen horses purchased for the persons therein named, and also a small sum of money therein mentioned, had been seized by some officers under the command of General Clinton; and pray that a day may be assigned on which they may be heard in the premises.

Ordered, That the said petition with a certificate ordering Cornelius Haring to subscribe their names to that petition be committed to Mr. Contine, Mr. Stevens and Mr. Harper, to report thereon.

The letter of James Hunter, dated on the 16th instant, and returned by the committee for detecting conspiracies, &c. was read, and follows, to wit:

"*Shawangunk, January the 16th*, 1776.

"SIR—As I am credibly informed by the neighbours that there is a great resort of people from the Mohawk comes to Wilmentown, and is alleged to carry letters from and to Lady Johnson, and is like to cause some uneasiness. She also has a span of horses that will soon destroy the hay that was left on that estate for to support the remainder of the stock left for the support of the overseers and slaves.

"Sir, you will please to send over the accounts of the part of the moveable estate of Thomas H. Barclay, if you have got it drawn out, as I have some more money to carry into the treasury of this State.

"And you will greatly oblige to serve,
"JAMES HUNTER."

Ordered, That the preceding letter be committed to Col. Van Rensselaer and Mr. Taylor to report thereon.

The report of the committee relative to riders and expresses to be employed for the Convention, was read. After some time spent therein,

Ordered, That the said report be committed to the committee who brought in the said report, or such of them as are at Fishkill; and that Captain Schenk be added to that committee. And

Resolved, That the said committee be and are hereby authorized to agree with two persons to be always ready and attending to ride as messengers for this Convention when required.

The following resolutions were unanimously agreed to, with design to procure blankets and hose for the Continental troops raising in this State, vizt:

WHEREAS it is the indispensable duty of this Convention to leave no means unessayed to provide for the comfortable clothing and accommodation of the troops raised in this State, and who in this inclement season are risking their lives in defence of the liberties of their country. And WHEREAS the benevolent principles which should ever distinguish a people determined to be free, loudly calls on the inhabitants of this State, who remain in tranquility at home, to afford all the supplies in their power to their brethren in the field.

Resolved, That application be made to every householder in the county of Dutchess, Westchester, Orange, Ulster, Albany, Tryon, Charlotte, Gloucester and Cumberland, immediately to furnish, for the use of the said troops, as many pair of men's stockings, and as many blankets, as they can possibly spare, and that they be paid the value according to their quality, but not to exceed twelve shillings for each pair of stockings, and forty-eight shillings for every blanket.

Resolved, That the county committees in each of the said counties do forthwith appoint proper collectors in each of the districts of their respective counties, to execute the above resolutions; and that such be paid for their trouble at the rate of six pence for every pair of stockings, and one shilling for every blanket they shall respectively collect as aforesaid.

Resolved, That the collectors to be appointed as aforesaid, do without delay send the stockings and blankets they shall respectively collect, to the chairman of the committee of their respective counties; and that the said chairman do immediately, on receipt thereof, send the same to the store of John Taylor, Esqr. at Albany, or to the clothing store at this place, as shall be most convenient.

Resolved, That the committees of the counties aforesaid, have power to draw on the President of the Convention for such sums as may be necessary for the purposes aforesaid, and for defraying the carriage or transportation.

Resolved, That the said county committees return to this Convention regular accounts of their proceedings in the execution of the above resolutions.

Ordered, That Samuel Loudon do attend the Representatives of this State when assembled at twelve o'clock tomorrow.

Ordered, That the Treasurer of this State pay unto Lieutenant Jacob Bower, the sum of ninety-seven pounds twelve shillings, in full, for the balance of the pay; and the further sum of one hundred and ten pounds twelve shillings, in full, for subsistence of his company, (raised in the county of Albany by order of the committee for detecting conspiracies,) from the 30th of October to the 29th December last, inclusive, agreeable to his pay and subsistence rolls, sworn to by him, and audited by the committee of accounts.

The Committee of Safety then adjourned till 4 o'clock this afternoon.

DIE MARTIS, 4 *ho. P. M. Jany.* 21*st*, 1777.

The Committee met pursuant to adjournment.

PRESENT—James Livingston, Esqr. *Chairman.*
Mr. Duane, Mr. Dunscomb—*New-York.*
Major Webster—*Charlotte.*
Mr. Gelston, Mr Smith—*Suffolk.*
Mr. Harper, Mr. Newkirk—*Tryon.*
Mr. Adgate, Mr. Rob. Yates, Col. Livingston, Col. Van Rensselaer, Mr. Taylor—*Albany.*
Major Schenk, Captn. Schenk—*Dutchess.*
Mr. Stephens, Mr. Sessions—*Cumberland.*
Mr. Contine—*Ulster.*
Mr. Lawrence—*Queens.*
Colo. Drake, Mr. Morris, Judge Graham—*Westchester.*

An account of Thomas Stebbings for apprehending sundry prisoners sent from this State to Springfield jail, and who had made their escape from thence and were taken, was exhibited to the Committee of Safety for payment.

Ordered, That the said account be delivered by Mr. Stebbings to the Committee for detecting conspiracies, &c. and that the said committee be and are hereby authorized to audit the said account, and pay such sum for the same as they may think proper.

The committee appointed to report relative to the rangers raised in different counties in this State, brought in their report, which was read. The same being again read by paragraphs, debates arose thereon, and after some time spent therein,

Ordered, That the said report be recommitted to Mr. Adgate, Mr. Wm. Harper and Major Webster.

An affidavit of Isaac Adriance, relative to maltreatment

by him received from a certain Joseph Beane, employed in the service of the Continental army, was read.

Resolved, That a copy of the said affidavit be sent to the commanding officer of the Continental troops at this place; and that he be requested to cause the said Joseph Beane to be taken and secured under guard, and make return thereof to this Committee.

Ordered, That the said affidavit be committed to Messrs. Duane, Robert Yates and Wm. Smith.

A letter from Brigadier-General McDougal, dated this day, was received and read, and follows, to wit:

"*Peekskill, 21st Jany.* 1777.

"DEAR SIR—I have seen so many of the Continental arms drawn out of the stores to arm the militia, that I fear some bad consequences will result from it. Many of those into whose hands they have been put, are disaffected to the country; besides experience has taught us, that notwithstanding the most positive orders have been given to the militia to return the arms and accoutrements, yet they have been disobeyed; the arms and accoutrements have been carried off, and many exchanged for an inferior sort, and it cannot be expected that our militia will pay more respect to orders than others. If they should not, when those arms are wanted to arm the standing troops, it will be productive of consequences the most fatal to our bleeding and distressed country. For these reasons I cannot think it my duty to deliver out any more of the public arms. Near 800 have already been delivered out. As General Ten Broeck informed me a number of your militia are expected down without arms, I judged it expedient to advise you of my resolution, which I hope will appear to you to be for the public service. Nothing material was cast up in our army under General Heath, by advice from him yesterday. Fort Independence was to be invested to-day. The garrison, with a reinforcement it has received since our army advanced, consists of 350 men, mostly of Rodgers' corps. Col. Webb, late aid-de-camp to General Washington, arrived here last night from Head-Quarters. He informs me the lighthorse and the guard desert frequently in small parties to our army; that the forage and baggage of the enemy are sent on Staten island; that a Mr. Stirling, a cadet, nephew to Col. Sterling, in the enemy's army, had come off to General Washington, from a disgust to their service. Time will only permit me to add, that I am, with great respect,

"Your, and the Committee's

"Very humble servant,

"ALEXR. McDOUGALL.

"To the Chairman of the
Committee of Safety of New-York."

The Committee adjourned to 10 o'clock to-morrow morning.

DIE MERCURII, 10 HO. A. M.

January 22d, 1777.

The Committee of Safety met pursuant to adjournment.

PRESENT—James Livingston, Esqr. *Chairman.*
Mr. Duane, Mr. Dunscomb, Mr. Roosevelt—*New-York.*
Mr. Contine—*Ulster.*
Mr. Harper, Mr. Newkirk—*Tryon.*
Major Lawrence—*Queens.*
Mr. Adgate, Mr. Rob. Yates, Col. Livingston—*Albany.*
Captain John Schenk, Mr. Henry Schenk—*Dutchess.*
Mr. Stevens—*Cumberland.*
Mr. Smith, Mr. Gelston—*Suffolk.*
Col. Drake—*Westchester.*
Mr. Webster—*Charlotte.*

Mr. Loudon attended, according to the order of yesterday, and being called in, was asked by the President whether he had not been informed that exceptions were taken at his publishing certain extracts from Gaines' paper, those extracts pointed out to him, and he requested to stop any further publication of that paper? To which he answered, that he did receive such message, and immediately stopped the press and hung up the wet papers to dry; that he published those extracts through inadvertency, and with no evil design, but merely to satisfy the curiosity of those who might wish to see what stuff was published at New-York. Being asked whether he was not requested to suppress that paper, he saith, that he did endeavour to suppress it, but that two or three were taken out while he was down stairs, and two were taken from him by the Albany Post, who wanted two or three dozen. Being asked if he did not deliver a number of them, he saith that he did not, but had already sent some to Peekskill, and a few to Hartford, and did endeavour to suppress it immediately; that he was in a great straight, for that he was afraid if the suppression of it was known, it would do mischief, and therefore told those who wanted his paper, that a few were printed and sent off. Being asked whether he was requested not to publish the said paper, he saith that he does not remember that he was.

Mr. Loudon withdrew.

The Committee then determined that he be again called in, and that he be reprimanded by the Chairman in the following words, to wit:

"Mr. Loudon, I am directed to inform you, that by publishing your paper, after an express order of this House to the contrary, you have been guilty of a great insult to their authority. That so long as you receive a pension from this House you are their servant, and therefore guilty of great ingratitude, in presuming to disobey their commands. The House do not mean to lay any restrictions upon the liberties of the press, but they are determined not to employ any person who shall do things inimical to the cause of American freedom. The House upon your submission have pardoned this offence."

Mr. Loudon being called in, and accordingly reprimanded, asked pardon and withdrew.

Ordered, That the Treasurer of this State pay unto Samuel Lyon the sum of two pounds, for his trouble and expense in proceeding from Rye to His Excellency General Washington, at New-York, with the account of the arrival of the enemy's fleet, which was forwarded by the committee of New-London, and the other committee in the western part of Connecticut, and that he charge the same to Continental account.

A letter from Thomas Machin, at New-Windsor, dated January the twenty-first, directed to Mr. Duer, requesting a number of carpenters' tools for the people employed under him, in procuring and preparing timber for the obstructions intended to be made in Hudson's river, at or near Pollepul's island, was read, and follows, to wit:

"*New-Windsor, 21st January*, 1777.

"SIR—We have not yet had tools for more than thirty men; we have now one hundred and fifty carpenters, and unless we can be supplied with one hundred broad axes, and one hundred augers, inch, and inch and a quarter, and three-quarters, with some square chissels and gouges, we must discharge a great part of our men. The bearer, Mr. Thomas Gee, who has conveyed John McComb to you being charged with *damning* the Honourable Congress, will see to getting the tools for the work.

"I am your humble servant.

"THOS. MACHIN.

"*P. S.* One hundred good narrow axes are much wanted."

A note from Mr. Jay, informing that Mr. Bostwick refuses to deliver those articles, without an order from the Committee of Safety, or his superior officer, was also read. Thereupon,

Ordered, That Mr. Andrew Bostwick, one of the Quarter-Master-General's agents, be directed to deliver to Thomas Gee, for the use of the persons employed under Captain Thomas Machin, in procuring and preparing timber, &c. for the obstructions intended to be made in Hudson's

river, the following tools, to wit: 50 broad axes, 25 augers, 1½ inch, 25 ditto of 1 inch, 25 ditto of ¾ inch, 100 narrow axes, 10 iron squares, 20 gouges, 50 one inch chissels, 50 two inch ditto and that he take a receipt for the same.

A letter from Hugh Rea, Esqr. chairman of the committee of Northeast precinct in Dutchess county, dated on the nineteenth instant, informing of their having levied fines from sundry persons, who neglected their duty to march, and did not march with the militia when directed, was read, and follows, to wit:

"*Northeast precinct, Dutchess county,*
"*In Special Committee, 9th Jany.* 1777.

"GENTLEMEN—When orders were received for drafting men to serve in General Scott's and Clinton's brigades, several neglected their duty in marching, and remained unmolested, which has encouraged those drafted to join Colo. Graham, to repeat the like offence; and as the proper officers to take notice of that matter are absent, this committee did take to themselves the power of punishing such delinquents, knowing that a neglect of it would be highly injurious to the common cause, as well as to the honour of this State.

"This committee take the liberty to inform your Honourable Body of their proceedings in this matter. We proceeded to fine the different offenders, according to their circumstances; all which fines being collected, amounts to upwards of one hundred pounds, exclusive of charges paid for bringing in the delinquents; and all the militia being immediately ordered to march, it was impossible for us to apply it, as your resolves direct in such cases. We therefore would beg the advice of your Honourable Body, with regard to the application of said moneys; and we shall still proceed with the rest of the delinquents in the foregoing manner, until otherwise directed. And if we have done wrong in this, we hope the Convention will impute it to our zeal for the public good.

"We are, with great respect, gentlemen,
"Your very humble servants,
"By order of the committee.
"HUGH REA, *Chairman.*

"To the Honourable Convention
of the State of New-York, Fishkill."

Ordered, That Mr. Robert Yates, Judge Graham and Captain Schenk, be a committee to consider of the said letter and report thereon.

The Committee then adjourned till 4 o'clock this afternoon.

DIE MERCURII, 4 *ho. P. M. Jany.* 22*nd*, 1777.

The Committee met pursuant to adjournment.

PRESENT—James Livingston, Esqr. *Chairman.*

Mr. Duane, Mr. Dunscomb—*New-York.*

Mr. John Schenk—*Dutchess.*

Mr. Morris, Col. Drake, Judge Graham—*Westchester.*

Mr. R. Yates, Col. Livingston, Mr. Adgate, Mr. Taylor, Col. Van Rensselaer—*Albany.*

Mr. Webster—*Charlotte.*

Major Lawrence—*Orange.*

Mr. Wm. Smith, Mr. Gelston—*Suffolk.*

Mr. Wm. Harper—*Tryon.*

Mr. Stephens—*Cumberland.*

A request of Mr. John Barnes, (directed to Mr. Duer,) that Nehemiah Oakley, a cooper, who has engaged to make two hundred flour barrels by the first day of June next, may be exempted from military duty, was read.

Ordered, That Col. P. R. Livingston and Captain Schenk, be a committee to consider of the said application, and to consider whether carters of ore at furnaces, should be considered exempt from military duty, and to report thereon.

Mr. Platt, one of the members, brought into the Committee a bill of sale from John Miller (who is said to be gone over to the enemy,) to John Halstead and Rodolphus Swartwout, of his goods and household stuff, &c. and requested the sense of this House whether the said goods should be held by them by virtue of the said bill of sale.

Ordered, That Mr. Wm. Smith, Mr. Wm. Harper and Captain Schenk, be a committee to consider and report thereon.

A letter from David Pye, Esqr. of Clarks Town, directed to Henry Wisner, Esqr. relative to the depreciation of Continental currency, and informing that the Continental stores are not well attended, was read.

Ordered, That it be referred and delivered to the committee for devising means to prevent the depreciation of Continental currency.

The committee to whom were referred the letters from the Honourable Francis Lewis, Esqr. at Congress, on the subject of the representation of this State in that Honourable House, delivered in their report, which was read.

The consideration thereof is deferred until a meeting of the Convention.

Several matters of the utmost importance to this State, requiring immediate despatch, being now before this Committee, for the determination whereof they are utterly inadequate:

Resolved, therefore, That there be an immediate call of the Convention, and that the Chairman give notice thereof to the absent members, punctually to attend at Fishkill, on the third day of February next.

Mr. Duane reported a draft of a letter to His Excellency General Washington, in answer to his letter to William Duer, Esqr. relative to the clothing detained at this place by order of Convention, for the use of the troops raised in this State, which was read and approved, and is in the words following, to wit:

"*Fishkill, 22nd Dec.* 1776.

"His Excellency General WASHINGTON—

"Mr. Duer, with several other Members of Convention, is now attending the army raised within this State on a secret expedition projected by this Convention, with a view to coöperate with your Excellency, or at least to create a diversion in your favour. For this reason, your Excellency's letter of the 14th instant, to that gentleman, has been laid before the Committee of Safety, who, anxious for the public good, have long viewed the want of clothing for the army as a very capital misfortune. Unhappily deprived of all our seaports, the means of importation are totally cut off from this State, and we have in vain endeavoured to procure a supply from Congress and our sister States, as a part of the Continental bounty. The recruits are importunate, and express the utmost discontent that their clothing is withheld: a spirit of desertion is already prevailing, and the recruiting service, which in the beginning was extremely successful, now meets with discouragement. Perplexed with this difficulty, it was with the utmost satisfaction we learnt that a quantity of clothing for the Continental troops was stored at this place. They arrived at Peekskill about a month ago; remained there several days; were then sent to Fishkill Landing, about twenty miles north of Peekskill, stored a week, and then transported by land to this town, about six miles east of the Landing, and stored there several days, without any effort to have them made into clothes, or according to our information, any attempts to forward them to your Excellency: add to this, that the assistant quarter-master-general, Mr. Hughs, informs one of the members that part of those goods were to be left here for the use of the Continental troops within this State. From all these circumstances, the Convention were lead to conclude that there could be no impropriety in applying them accordingly. 'Tis true that the storekeeper were not inclined to deliver them without your Excellency's directions, though he finally consented, on the importunity of the committee of Convention appointed to procure clothing for the Continental troops in this department. These are the facts: and if we have erred, it was from an anxiety to promote

the public service, which was and still is suffering for want of a compliance with the encouragement which Congress has engaged to the new levies. You may be assured, sir, that nothing is further from our wishes than to interfere with the military line, or to abridge your Excellency's unquestionable province. On the contrary, we lament it, as a misfortune, that from your late necessary retreat and remote situation, so great a share of the military operations in this quarter is cast upon us; and that we are compelled to turn our attention to matters out of the line of the civil power, and solely resting with your Excellency.

"The request communicated to Mr. Duer for forwarding such of the goods as have not been delivered to Continental recruits, shall be instantly complied with.

"Permit us to assure your Excellency that there is not the least room for apprehending that any stores of goods passing through this State will be detained. The respect we have always shown and sincerely feel for your person and office, our uniform and cheerful compliance with all your requisitions, our zeal for the common cause, and the great and continued exertions of this State, ought, we flatter ourselves, to secure us from such suspicion; in the instance of which your Excellency complains, we conceived we were serving the public, though we were sensible that in that as well as many other respects we were acting out of our proper sphere. It is out of our power to clothe the quota of levies of this State; our militia constantly employed in the field are drawn from their ordinary business; the inhabitants themselves are destitute. We have few manufacturers, and cloth of every kind is scarce and dear beyond description.

"We have informed the county of our inability, as well as the Quarter-Master-General. We have no answer or aid either, but assure ourselves that when your Excellency's arduous situation shall permit, these circumstances which give us unspeakable distress will claim your attention.

"The first New-York battalion commanded by Col. Van Schaick, and recruited to about four hundred men, is already marched to garrison Fort George or Ticonderoga; for the safety of which, against a winter campaign, we are not without strong apprehensions, as the troops stationed at those important fortresses may march off immediately, on the expiration of the term of their enlistment.

"Had this State been encumbered with raising only the five battalions assigned for its quota, we flatter ourselves that under every difficulty our engagements to Congress would soon have been complied with; but besides the battalions under our immediate direction, Col. Hazen, and Col. James Livingston and even Col. Warner, and numbers of their officers, are recruiting within a State already deprived of a great part of its territory.

"I have the honour to be, &c.

"His Excellency General WASHINGTON."

Ordered, That a copy thereof be engrossed, and signed by the chairman, and transmitted.

Mr. Duane reported a draft of a letter to the Honourable John Hancock, in answer to his of the 10th instant, relative to the state of the levies raising in this State, was read and approved, and is in the words following, to wit:

"SIR—Your favour of the 10th instant, enclosing the resolution of the Honourable Congress of the ninth, respecting the new levies in this State has been laid before the Committee of Safety.

"I am directed to assure you that every exertion in the power of the Convention has been employed to forward this most essential service. General Schuyler, who was lately at this place on the business of the army, informed us that our first battalion commanded by Colonel Van Schaick, was recruited to about 400 men, and that he had been under the necessity of ordering them to march towards Ticonderoga, for the safety of which, against a winter's campaign, we are not without strong apprehensions. The General has however left a number of recruiting officers of that battalion at Albany, to complete its quota.

"We have no returns from the other regiments, nor can they be at present obtained, as the recruiting officers dispersed in the different counties have made none; from the best computation they are not above half raised. The first battalions assigned for the quota of this State, would, notwithstanding its mutilated condition, have been very easily raised, had not the recruiting the levies which at first met with success, been unhappily impeded by a variety of obstacles which we beg leave to suggest:

"1st. In order to raise the drooping spirits of our brethren in New-Jersey, and to coöperate with His Excellency General Washington, or at least to create a diversion in his favour, the Convention detached a considerable part of the militia into that State, and another large body on an expedition into Westchester to purge that county of the enemy, and a further view if practicable to penetrate into New-York. The cheerfulness and alacrity with which this service at an inclement season was undertaken, affords a most pleasing evidence that a martial and patriotic spirit in spite of all the arts and delusions of our inveterate enemies, rouses and animates our inhabitants to action, in proportion to the distresses which afflict their country, and in resentment of the horrid cruelties which have been perpetrated against their suffering brethren; at the same time this necesary measure is highly detrimental to our new levies, as it employs a large body of our most spirited young men, many of whom would undoubtedly have engaged in the Continental forces.

"2ndly. The recruiting service is further obstructed by our inability to comply with that part of the resolution of Congress which provides that a suit of clothes shall be given to every recruit, as a part of the bounty. Cut off from the means of importation by the loss of all our seaports, we very early turned our attention to our sister States, and appointed a commissary to purchase clothing. His success did not answer our wishes. We have made known our inability to procure clothing, to Congress, as well as the Quarter-Master-General, and are still left without any assistance. The recruits are importunate for this capital part of their bounty. They clamour and complain of being deceived, and consequently discourage others from engaging. Our distress on this account, is unspeakable.

"3rdly. It is further obstructed by the exertions of Colonel Hazen, Col. James Livingston, and even Colonel Warner, to recruit their respective corps within this State; in which the former being called the Congress's own Regiment, and pretending to be raised for its immediate defence, and that they shall be stationed near the seat of government, are very successful.

"4thly. That notwithstanding free liberty has been given to recruit for the last mentioned regiments within this State, soldiers who enlisted in our corps have been discharged by general officers in the Continental service, on account of their being inhabitants of neighbouring States; or when foreigners, of their having before served in those regiments.

"These remarks are not offered by way of complaint, but to possess Congress of the true reason why our levies are not completed according to the expectations which we formed when the service was first undertaken. We hope, however, that our efforts will be attended with success, if we can be supplied with clothing and blankets; but as every volunteer has a right to call for his bounty, and, indeed, stands in the utmost necessity of clothing, it must be impracticable to make any effectual progress till that shall be supplied.

"General Schuyler has borrowed of this State twenty thousand pounds for the Continental service, which we have charged to the United States.

"I have the honour to be,
"With great respect, sir,
"Your most obt. humble servant,
"By order.

"The Honble. JOHN HANCOCK, Esqr.
President, &c.

Ordered, That a copy thereof be engrossed, and signed by the Chairman, and transmitted.

The Committee of Safety then adjourned until ten o'clock to-morrow morning.

DIE JOVIS, 10 HO. A. M.
January 23rd, 1777.

The Committee met pursuant to adjournment.

PRESENT—James Livingston, Esqr. *Chairman*.
Mr. Duane, Mr. Dunscomb, Mr. Robt. Harper, Mr. Roosevelt—*New-York*.
Col. Graham, Col. G. Drake—*Westchester*.
Mr. Wm. Harper, Mr. Newkirk—*Tryon*.
Mr. Rob. Yates, Col. Livingston, Mr. Adgate—*Albany*.
Mr. Wm. Smith, Mr. Gelston—*Suffolk*.
Majr. Webster—*Charlotte*.
Mr. Contine—*Ulster*.
Major Laurence—*Queens*.
Major Schenk, Capt. Schenk—*Dutchess*.
Mr. Stevens—*Cumberland*.

The Committee of Safety were informed that there are a considerable number of public arms for the Continental troops wanting repairs, whereby it is become necessary to establish an armoury near this place.

Ordered, That Mr. Contine and Mr. Wm. Harper be a committee to procure proper armourers, and establish an armoury at or near this place.

A letter from the committee of Kingston, in Ulster county, signed by Mr. Daniel Graham their chairman, dated the twenty-second instant, was read. They therein set forth, that keeping a daily guard is become a great burthen to the inhabitants, and request that a guard may be placed there at public expense. The said letter is directed to Matthew Cantine, Esqr.

Ordered, That Mr. Contine and Major Lawrence be a committee to consider the said letter, and report thereon.

A letter from Colonel Johannes Snyder, dated at Ramepough the 4th of January instant, to Brigadier-General George Clinton, was read. Colonel Snyder informs that he therewith sends to the General, three men with fifteen horses, taken near Pumpton, and supposed to be purchased for the use of the enemy. The said letter also contains information relative to the said persons apprehended, and some testimony against them. A pass from General Clinton, and two other papers therein enclosed, were also read.

Ordered, That the said letter and papers therein enclosed, and also the petition of Cornelius Haring and John Duremus to this House, relative to the horses mentioned in the said letter and formerly referred to Messrs. Contine, Stevens and Wm. Harper; and also a letter from General George Clinton, dated the 15th instant, directed to Captain Ebenezer Woodhull, of the Orange county lighthorse, which was read, directing him to seize the person, papers and money of one Palmer, who lately come from Long island with a large sum of Continental money to purchase lands and horses, and also to take Nicholas Townshend, whereat Palmer now is; and also the bill of sale of John Miller to John Halstead, for his personal estate; be referred to the committee of Convention for detecting conspiracies, &c. with full power and authority to that committee to proceed and determine thereon.

A letter from Brigadier-General Scott to the President of the Convention, dated at camp at Williams's, in Westchester county, on the 21st instant, was read.

He therein informs, that he, with the other members of the Committee with him, have sent to Convention Mr. Stephen Rapalje, taken at New-Rochelle, with a large quantity of cash brought from Long island; that the cash is sent forward with him in the care of Captain John Haight, of Colo. Luddenton's regiment; which cash was brought in the saddle bags, locked.

The parol of the said Rapalje to attend the Convention in company with Captain Haight, is annexed to the said letter.

Ordered, That the said letter from General Scott, the said parol and cash be delivered to the committee of Convention for detecting conspiracies, with full power and authority to that committee to proceed and determine thereon. All the said papers and cash were delivered accordingly.

Ordered, That the said committee on the petition of Cornelius Haring and John Duremus, and the committee on the said bill of sale of personal estate be discharged.

Mr. Platt, from the committee of Convention appointed for detecting conspiracies, &c. informed the Committee of Safety that he has received a letter from John Jay, Esqr. informing him that the indisposition of his parents prevents his attendance at that committee. Mr. Platt says further, that no other member of that committee is now present, and requests two members may be added.

Ordered, That Judge Graham and Mr. Wm. Smith be added to that committee, and give their attendance there immediately.

The committee appointed to report on the resolutions of Congress of the 27th of December last, and the several papers which accompanied the same, brought in their report, which was read. Being again read by paragraphs, debates arose thereon, and after some time spent therein, the farther consideration thereof is postponed till next meeting of this Committee.

On considering the petition of Richard Southard, and on due inquiry made thereon. it appears that a sufficient quantity of fire and coal-wood for the use of the barracks and smiths' shops, may be got, with little labour, from the mountains in the neighbourhood of the same; and from the representation of the said Southard, it appears that the woodcutters continue to cut the wood growing on his said farm, which must, in a short time, greatly impair its value.

Therefore.

Resolved, That the commanding officer at Fishkill give orders that no more wood be cut off the farm of the said Richard Southard, for the use of the said barracks, smith shops or artificers, without application first made to to the Convention or Committee of Safety of this State.

Ordered, That a copy of the above order be sent to the commanding officer.

A letter from Cadwallader Colden, Esqr. dated Fishkill, on this day, and directed to James Livingston, Esqr. President of the Convention, was read, and is in the words following, to wit:

"*Fishkill, Jany. 23rd*, 1777.

"SIR—I am obliged to the gentlemen of the Convention, as also those of the Committee, for having permitted me to remain here now seven weeks, without exacting a parol from me or restricting me to any limits of district; notwithstanding which, I have not all this time been out to see my family, though within 14 miles; and as there is now an opening in the river, so that I can take my horse across, I embrace the opportunity to go to my family, and shall return to this place upon the first notice that the Honourable Convention have come to a determiniation upon what they were pleased to permit me to lay before them ten days since. I acknowledge that it is a matter that deserves serious and deliberate consideration, and whatever may be the result of the Honourable Convention, I shall submit to it with all humility; and in the mean time

I shall remain on my own farm, and conduct myself in the manner I have proposed; and will, upon the first summons, appear before the Convention,

"Whose most humble servant I am,

"CADWALLADER COLDEN.

"To JAMES LIVINGSTON, Esqr.
President of Convention."

The Committee of Safety adjourned until to-morrow morning.

FRIDAY MORNING.

Jany. 24, 1777.

The Committee of Safety met pursuant to adjournment.

PRESENT—James Livingston, Esqr. *Chairman.*
Mr. Duane, Mr. Dunscomb—*New-York.*
Mr. Contine, Mr. Tappen—*Ulster.*
Mr. Rob. Yates, Mr. Adgate—*Albany.*
Mr. Henry Schenk, Mr. John Schenk—*Dutchess.*
Mr. Smith, Mr. Gelston—*Suffolk.*
Mr. Morris, Col. Drake, Judge Graham—*Westchester.*
Major Laurence—*Queens.*
Mr. Webster—*Charlotte.*
Mr. Stephens—*Cumberland.*
Mr. Harper, Mr. Newkerk—*Tryon.*

A letter from General McDougall, dated Peekskill, yesterday, enclosing a letter from Mr. Wm. Seton to him, setting forth that a gang of villains armed, entered the house of the said Wm. Seton, in Cortlandt's manor, and robbed and plundered him of his effects, to the amount of £600, and upwards.

Ordered, That the said two letters be referred to Mr. Morris.

WHEREAS it hath been represented unto this Committee, that divers officers of the militia of this State, have levied considerable fines from the said militia, for which they have rendered no account: Therefore,

Resolved, That the commanding officers of the respective regiments of militia within the respective counties within this State, do call the said officers to account before them, on oath, and do receive the fines by them so levied as aforesaid, and transmit the same, together with such accounts to Gerard Bancker, Esqr. the Vice-Treasurer of this State, to be applied and disposed of in such manner as the Convention or future Legislature of this State shall direct.

Mr. Morris, to whom the letter of General McDougall was committed, reported the following draft of a letter in answer thereto, which was read and approved, to wit:

"SIR—The Committee of Safety received your favour of yesterday, and are much pleased with the intelligence you have given from the southern army, on which they congratulate you, being with you of opinion that the incident will be attended with salutary and important effects.

"The robberies you mention have raised in us a great and just indignation. The propriety of immediate and severe punishment strikes forcibly on every mind.

"This Committee return you thanks for your attention to Mr. Seton's complaint, and further request that you will use your most strenuous efforts to take and secure the villains who have been concerned in those atrocious acts of violence, and such others, as during your continuance in that neighbourhood, may be guilty of similar practices, the Committee being willing to defray the extraordinary expense which may arise from that service.

"The raising a party of men for these purposes would not only be attended with great expense, but impede the recruiting service, which is an object of great importance, and in the opinion of the Committee, a few examples of capital punishment, will be of more use than several companies of rangers.

"The Committee will thank you for such intelligence as you may receive from the several armies now in the field.

"I have the honour to be, &c.

"Brigadier-General McDOUGALL."

Ordered, That a copy thereof be engrossed, and signed by the Chairman, and transmitted.

John Bloomer who was committed to the custody of the sergeant-at-arms, requesting to be heard, was admitted. He voluntarily offered to take the affirmation of allegiance to this State. Thereupon,

Resolved, That John Bloomer, upon paying the sum of £7 3*s.* 2*d.* which this Committee hath advanced to defray the expenses of bringing him to this place according to his petition, and upon taking the affirmation of allegiance to this State, before the committee for detecting conspiracies, &c. be discharged.

Resolved, That the committee appointed, consisting of Mr. Contine and Mr. William Harper, for the purpose of establishing an armoury at or near this place, be directed and empowered to purchase, or cause to be purchased, arms and accoutrements for the use of this State, and that they cause such of them as are out of repair to be repaired as soon as possible.

Ordered, That the Treasurer of this State advance to Mr. Contine and Mr. Harper, or either of them, a sum not exceeding five hundred dollars, to enable the said committee to execute the said resolve.

The Committee were informed that the persons who have the care and charge of the effects of Rebecca Teller, deceased, are wasting and embezzling the same, and that the children of the said Rebecca Teller are now maintained at public expense: Therefore,

Resolved, That Schenk, Esqr. be, and he is hereby, appointed administrator of the goods and chattels, rights and credits, which were of Rebecca Teller, deceased.

Resolved, That Colonel Gilbert Drake be directed and empowered to purchase, or cause to be purchased, within the county of Westchester, for the use of this State, as many blankets as may be procured, agreeably to the prices and regulations contained in the resolutions of this Committee of the 21st inst. directing the county committees to appoint proper persons to purchase blankets and stockings for the use of this State.

WHEREAS a certain resolution passed this House on the 8th day of November last, for paying wages to such of the officers and men of Colonel Smith's regiment, as were in such parts of this or the neighbouring States, as are out of the power of the enemy, and also a certain other resolution of this House, passed on the 12th of the same month, requiring all muster rolls to be attested on oath, before the President or Vice-President of the Convention of this State, or the chairman of the committee of the counties in which said companies are raised: AND WHEREAS the counties in which Colonel Smith's regiment was raised, are in the possession of the enemy, which renders it impracticable to apply to the chairmen of the committees of the said counties, and it being also very inconvenient for some of the officers of the said regiment to appear before the President or Vice-President as aforesaid, as they now dwell in the eastern part of the State of Connecticut. Therefore,

Resolved, That the Speaker of the General Assembly of the State of Connecticut, or the chairman of any committee within the said State be, and they respectively are hereby empowered to administer such oath as aforesaid.

Mr. Robert Yates, from the committee to whom was referred the letter to Hugh Rea, delivered in their report, which was read and amended, and thereupon the following facts and resolutions were unanimously agreed to, to wit:

"That by certain resolutions of the Convention of the State of New-York, entered into on the 10th day of August last past, it is, among others,

"'*Resolved,* That when any man, who shall have been drafted in pursuance of the orders of this Convention, shall absent himself and neglect to appear, after being duly no-

tified, the field officers of the regiment to which such offenders shall belong, shall, upon due proof of the same by the oath or affirmation of two credible witnesses, raise, from the estate of the offenders, by distress and sale, as much money as shall be sufficient to hire a man to serve in his stead, and apply the same to that purpose; provided the same shall not exceed the sum of £30; and provided, also, that nothing in this resolve shall be construed to excuse the said absentees from serving with the other drafts from the militia.'

"1st. That by the said letter it appears, that several men neglected to march in consequence of the orders from this House for drafting a part of the militia in Dutchess county, to form General Scott's and Clinton's brigade, and that no proceedings were had against such absentees.

"2nd. That it has given encouragement since to those who were drafted to join Colonel Graham, to repeat the like offence.

"3dly. That as the proper officers to take cognizance of that matter were absent, the said committee had taken upon themselves the power of punishing such delinquents, and fining the different offenders, according to their circumstances.

"4thly. That in consequence of such, their proceedings, upwards of £100 has been exacted, exclusive of charges.

"5thly. That all the militia are called forth at present, and the said money can not be applied to the purpose mentioned in the said report, and therefore want the advice of the Convention."

Whereupon this Committee of Safety are of opinion:

1st. That it appears that the committee of the Northeast precinct proceeded to the cognizance of matters to which they were by no means warranted by any resolve of the Convention of this State; however, your Committee have the greatest reason to conclude that they proceeded in this matter from a zeal to the cause of American freedom, and not in contempt of the resolve of the Convention.

2ndly. That it appears that the before recited resolve is inapplicable to the case when all the militia of a district or county are called, because no men can be found for hire to go in the stead of such absentee; yet as the spirit of the said resolve intended pecuniary punishment on delinquents, that a fine ought to be exacted. Therefore,

Resolved, That the said money now in the hands of the said precinct committee, remain with them for the present as a deposit, until the field officers of the regiment return, who are hereby directed to proceed to the trial of the offenders, and for that purpose to summon offenders to appear before them; and such as may be found guilty, to fine agreeably to the said resolve and the circumstance of the case, remitting to the offenders respectively, out of the said fines, a sum equal to the costs which they respectively paid on their former trial; and that the said precinct committee deliver into the hands of the said field officers, the sum of money so exacted as aforesaid; out of which, the said field officers shall detain the said fines, rendering the overplus (if any remain) to such offenders; which said fines shall be transmitted to the deputy treasurer of this State, to be disposed of and applied in such manner as the Convention or future Legislature of this State shall direct.

Ordered, That a copy of the preceding facts and resolution be transmitted to the chairman of the committee of Northeast precinct.

The petition of Baker, confined in jail in Connecticut, as a disaffected person, was read and referred to the committee appointed to confer with the committee of Convention for detecting conspiracies.

The report of the committee to whom was referred the letter from Daniel Graham, chairman of the committee of Kingston, relative to a guard for guarding the records of the State, &c. was read and ordered to lie on the table for the consideration of the members.

The report of the committee to whom was referred the state of the conspiracies of rangers in the several counties, was read and ordered to lie on the table for the consideration of the members.

Colonel Dirck Brinkerhoff having had the misfortune lately of having his grist mill and fulling mill burnt down, and they being very much wanted at this juncture, applied for an exemption for 12 workmen to erect and build up the same again without loss of time.

Resolved, That the persons to the number of 12, who may be employed by Colonel Dirk Brinkerhoff in rebuilding his grist and fulling mills, be exempt from militia duty while so employed.

The Committee adjourned till ten o'clock to-morrow morning.

DIE SABBATI, 10 HO. A. M.

January 25th, 1777.

The Committee of Safety met pursuant to adjourment.

PRESENT—James Livingston, Esqr. *Chairman*.
Mr. Duane, Mr. Robt. Harper, Mr. Dunscomb—*New-York*.
Mr. Contine, Mr. Tappen—*Ulster*.
Mr. Wm. Harper, Mr. Newkirk—*Westchester*.
Mr. Adgate, Mr. Robert Yates—*Albany*.
Mr. John Schenk, Major Schenk—*Dutchess*.
Judge Graham, Mr. Morris—*Tryon*.
Mr. Gelston—*Suffolk*.
Major Lawrence—*Queens*.
Major Webster—*Charlotte*.
Mr. Stevens—*Cumberland*.

WHEREAS the committee of the county of Dutchess cannot be immediately assembled to carry into effect the resolutions of this House for establishing small pox hospitals within this State: AND WHEREAS the small pox is now prevailing in the natural way in the village of Fishkill, and there is great danger that the infection will be communicated to the barracks, which gives great uneasiness to the troops there quartered, and must be attended with desertion and a discouragement of the recruiting service:

Resolved, therefore, That Major Schenk be and he is hereby directed and authorized to convene the precinct committee, or three or four of the principal inhabitants of Fishkill, as shall be most convenient; and with their assistance provide a suitable place for an inoculating hospital, observing the restrictions expressed in the before mentioned resolution on this subject, and to agree upon a rent for such hospital; and to direct all inhabitants within Rombout's precinct, who have or hereafter may take infection, to be immediately removed to such hospital, and all such persons are hereby required to remove or be removed accordingly.

Resolved and Ordered, That Mr. Robert Yates and Mr. Duane be a committee to inquire for and report some proper place to which the Convention may remove and be accommodated with lodgings and conveniences on some stable and permanent terms.

On motion of Mr. Morris, the report of the committee on the despatches from Congress of the 27th December last, and the letter from his Excellency General Washington, of the 30th December, was again taken into consideration and read; and being read by paragraphs, debates arose on the 8th, 9th and 10th paragraphs, which are in the words following, to wit:

"*Resolved*, That in the opinion of this Convention the empowering his Excellency General Washington to make out the mode of promotions will tend greatly to the good order and discipline of the Continental troops."

"*Resolved*, That the resolution of the Honourable the Congress of the 27th of December, 1776, conferring extraordinary powers upon his Excellency General Washington, is wise, just and necessary. That it will tend greatly to promote the general interest, security and welfare of the United States of America; wherefore this Committee do heartily approve of the said resolution."

"*Resolved*, That the two last resolutions be enclosed to his Excellency General Washington and to the President of the Congress."

After some time spent therein, on motion, made and seconded for the previous question as to the said three proposed resolutions, it was agreed unanimously that they be postponed until the meeting of the Convention.

The residue of the said report being read, amended and agreed to, was adopted. Thereupon it was

Agreed, That a certain resolution of the Hon. Continental Congress of the 30th December, 1776, prohibiting the exportation of bacon, salted beef and pork, soap, tallow and candles, and a certain resolution of the 31st December, 1776, permitting the exportation of staves and lumber, have no reference to this State in its present situation.

That a certain resolution of the Honourable Congress of the 11th December, 1776, recommending the appointment of a day of fasting and praying, ought to be committed to the committee which the House have already named to proclaim a solemn fast.

That on consideration of a certain resolution of the Honourable Congress of the 23rd of December, 1776, ordering the transmission of receipts, vouchers, &c. for the expense of the militia which have reinforced the Continental army, it be and hereby is

Resolved, That the Auditor-General of the accounts of this State, be furnished with a copy of the resolutions of Congress of the 23rd of December last, and that he be directed immediately to comply with the same.

Resolved, That the Auditor-General do forthwith prepare and bring in the continuation of the general account of this Convention with the Honourable the American Congress, and the proper vouchers for the same.

Resolved, That the Auditor-General prepare and bring in general accounts between this State and other States; and also between this State and the several counties and individuals who are indebted to the same.

Upon considering the resolutions of the 27th of December, 1776, it is agreed that so much of the said resolutions as relates to marching the troops from the southward, the appointment of a commissary-clothier-general, the locating magazines in Pennsylvania and Massachusettss, the providing meat for the army, the application to France for arms, and the punishing of persons in Philadelphia who refuse to take Continental money, does not require the pointed attention of the House.

A draft of a letter to the President of Congress, by the same committee, was read and approved, and is in the words following, to wit:

"Sir—The Committee of Safety of New-York have been favoured with your circular letter of the 30th of December last, and direct me to observe, that as this State is now entirely excluded from the ocean, the general resolutions which relate to the commerce of America, do not at present appear to be calculated for us; but whenever, by the kind interposition of divine Providence we shall be restored to the possession of our seaports, we shall pay all possible attention to the commercial recommendations of your Honourable Body.

"Previous to the receipt of your resolutions for appointing a day of fasting and prayer, the Convention had taken that matter into consideration, and directed a committee to prepare proper resolutions for the purpose.

"I am directed further to assure you, sir, that the several accounts between this State and the United States of America, have been prepared to the ninth day of November last, and that the remainder shall be made out and transmitted with all possible despatch, but at the same time several vouchers for the different departments are intricately complicated together. It is our wish, for the reasons already assigned to your Auditor-General, the whole may be audited before one single board of commissioners.

"We cannot but approve of the foresight and attention of your Honourable House in the providing proper magazines of arms and ammunition. It hath frequently given us great concern to observe, that hitherto the fate of all America hath been set upon a single cask.

"The timidity and caution which necessarily followed from this hazardous situation, have been productive of very dangerous effects upon the minds of the people. It would have given us great pleasure to be informed that the measure taken to procure a sufficient number of cannon had been successful.

"The naval committee have requested this Convention to procure cannon for the works on Hudson's river and the frigates now lying at Kingston; at the same time we are informed by General Schuyler, that a very considerable part of the artillery is necessary for our defence in the northern department.

"We are sorry to add that it is entirely out of our power to procure a single piece; almost all those which formerly belonged to this State, have been employed in the Continental service and taken by the enemy, so that unless Congress can provide for this contingency, very fatal consequences may justly be apprehended.

"The Committee, sir, direct me to assure you that they will do every thing in their power to forward the completion of the Continental levies, on which the interests of America so materially depend.

"They are well convinced that the militia alone are utterly inadequate to the permanent defence of a country against regular troops, however well they may be qualified to reinforce an army upon a sudden emergency. The great expense of militia, hath been at all times a very serious object; but the worst evil to be apprehended, is, that all the resources of our country must be exhausted by calling off the husbandmen and artificers so very frequently from their several necessary employments.

"We beg leave to congratulate your Honourable House on the late signal successes of the American arms, and we trust that a just God will continue to smile upon our righteous exertions in the great cause of human nature.

"I have the honour to be, &c.

"Honourable John Hancock."

A draft of a letter to His Excellency General Washington, reported to the same committee, was read and approved, and is in the words following, to wit:

"Sir—The Convention received great pleasure from the receipt of your Excellency's favour of the 5th of January instant. In just admiration of your Excellency's wise and spirited operations, they beg leave again to congratulate you on the successes of the American arms, and to return you their thanks for the attention which you have uniformly exhibited to the care and defence of this State.

"The Convention have lately received a very extraordinary epistle from a certain Mr. Loring, commissary of provisions in the British army, of which, and of our answer, copies are herewith enclosed.

"We also send you an account of some prisoners of war who have lately made their escape from this State, regardless of those obligations which, among gentlemen, are sacred.

"We apprehend no doubts can exist whether the affair of John Johnson is within your immediate cognizance. He held a commission as brigadier-general of militia, and it is said another commission as major-general. That he has shamefully broken his parol is evident, but whether it would be more proper to have him returned or exchanged, is entirely in your Excellency's province.

"We shall be happy to receive, by the return of your express, such particulars as will be of use to communicate to the public. Your Excellency must be sensible that every thing which rouses and animates the people, gives vigour to a cause which depends upon their zeal.

"The party under the command of General Heath is now in the southern part of Westchester; whether they will make an attempt on New-York or Long island, or confine themselves to glean such forage as the enemy have

left behind them, we cannot ascertain, but hope for the former. But in either case we hope their movements will facilitate your Excellency's operations.

"I have the honour to be,

"Your most obedient and very humble servant."

"His Excellency General WASHINGTON."

Ordered, That a copy thereof be engrossed, and signed by the Chairman, and transmitted.

A letter from Samuel Patrick, dated the 22nd January, instant, directed to Captain John Schenk, relative to his account for casting iron stoves, by order of the Convention, upon the application and earnest request of General Schuyler, was read.

Ordered, That the Treasurer of this State advance to Captain John Schenk the sum of one thousand pounds, to enable him to pay Mr. Samuel Patrick, in part of his account, for ordnance cast at Orange furnace, by order of the Convention of this State.

A letter from John Winn to the Convention, dated the 15th instant, and the state of his case as to the charge against him for causing the death of Jacob Weaver by a push with a gun, were read and postponed till next week.

The Committee of Safety adjourned until 10 o'clock on Monday morning next.

DIE LUNÆ, 10 HO. A. M.

Jany. 27th, 1777.

The Committee of Safety met pursuant to adjournment.

PRESENT—Mr. Roosevelt, Mr. Robert Harper—*New-York.*

Mr. Gelston—*Suffolk.*

Major Schenk, Colonel Humphrey, Mr. James Livingston, Captain Schenk—*Dutchess.*

Mr. Adgate—*Albany.*

Major Lawrence—*Queens.*

Mr. Morris, Judge Graham—*Westchester.*

Mr. Tappen, Genl. Geo. Clinton—*Ulster.*

Mr. Webster—*Charlotte.*

Mr. Newkirk, Mr. Wm. Harper—*Tryon.*

Mr. Stephens—*Cumberland.*

James Livingston, Esqr. the Chairman, being absent, Christopher Tappen, Esqr. was unanimously chosen Chairman *pro tempore*, until Mr. Livingston returns.

An account of Christopher Leffingwell, of Connecticut, amounting to ninety-seven pounds twelve shillings and six pence, lawful money of Connecticut, for sloop hire, and expenses in removing inhabitants and stock from Long island, with an affidavit of the said Christopher Leffingwell, thereto sworn before Samuel Hutchinson, assistant, that it is a just and true account was exhibited for payment. Therewith was exhibited a warrant from Governor Trumbull, dated the 8th of September last, to Captain Leffingwell, to procure vessels, and cause the stock and inhabitants to be removed, to prevent their falling into the hands of the enemy.

Therewith was also exhibited a report of Captain Leffengwell, dated the 16th instant, to Governor Trumbull, of his proceedings, wherein he reports that they brought off to New-London, families and effects as many as loaded their vessels, and had brought off 200 horned cattle, and about 500 sheep, besides families, furniture, provisions, &c.

Therewith was also exhibited a second order of Governor Trumbull, dated the 14th day of September, and endorsed on the former, directed to Captain Leffingwell, to make a second trip to the said island, if should so advise, together with Captain Leffingwell's report to the Governor of his proceedings, dated the 1st of October, in which among other things he reports, that he had brought and delivered to the committee at Norwich, 790 sheep, and 152 head of horned cattle.

That several of the owners were then there, taking care of their own, and others expected soon, and that probably there will be numbers for which no owners will appear.

Three members of the committee for auditing accounts, to wit, Matthew Adgate, Alexander Webster and Benjamin Newkerk, have therewith returned a certificate, which was read, whereby they certify that they have examined the said account, and are of opinion that there be allowed to Captain Christopher Leffingwell, for his said account, the sum of ninety-seven pounds twelve shillings and six pence, lawful money of Connecticut, being equal to one hundred and thirty pounds three shillings and fourpence, lawful money of this State.

Resolved, That the Committee of Safety agree with the committee of auditors in their said report. And,

Ordered, That the Treasurer or Vice-Treasurer of this State, pay to Captain Christopher Leffengwell, or his order, the sum of one hundred and thirty pounds three shillings and fourpence, New-York money, in full for the said annexed account, and take a receipt for the same. And that with the said account and report he file the eight separate vouchers and letter from Governor Trumbull to Captain Leffingwell, dated the 15th September last.

A letter from Brigadier-General McDougall, directed to the Honourable the Chairman and Members of the Committee of Safety of the State of New-York, was read, and follows in the words, to wit:

"*Head-Quarters, Peekskill, January 26th*, 1777.

"SIR—I was honoured with your favour of the 24th, and am happy to find my conduct has your approbation. Two parties are now out in quest of the robbers, and another will be sent out to-day. The reason you assign for not raising a party to apprehend, is conclusive. The several small corps now embodied in this State not on the Continental establishment, is a great prejudice to the recruiting The liberty given to recruit more regiments in this State. than the number assigned it by Congress, will neither advance the public service nor the reputation of the State; there is no prospect of their being full. The Continent will therefore pay a disproportionate number of officers for the men, and this State will not fill those regiments they are ordered to raise. Time will only permit me to add that I am with great truth and regard,

"Your and the Committee's very humble servant,

"ALEXR. McDOUGALL.

"The Chairman and Members of the
Committee of Safety of New-York."

The examination of Hannah White received enclosed in General McDougall's account, was read, and follows in the words, to wit:

"The examination of Mrs. Hannah White, wife of Sergeant White, of the regiment lately commanded by General McDougall, taken before him at Peeksill, Jany. 25th, 1777."

"Mrs. White says she left New-York on Monday the 20th inst. that the college, bridewell, new jail, Baptist meeting, and the tavern lately occupied by Mr. De la Montaigne, and several other houses, are filled with the sick and wounded of the enemy; that the Hessians are very sickly and discontented, and had three rounds fired on a number of them in Jersey, by a party of the British troops, for refusing to come to attack the Americans; and that a number of the Hessians were brought into New-York under guard; that on Saturday, before she left the city, she heard a British officer, who rode an express with the intelligence of our troops being at Fort Independence, declare to another they had but 400 regulars in the city, and about 500 at the forts near King's Bridge, and that they would be obligedto send to Jersey for troops to defend the city; that the enemy obliged the citizens to watch at night, but would not trust many of them with arms; clubs were given to those they suspected, to do duty with; that they appeared in great consternation in New-York; that on Monday some officers were beating about for volunteers to go into Jersey, and if a sufficient number did not enlist, the next day

the fifth man of the citizens, and those who come in for protection, were to be drafted, to reinforce the enemy's army in Jersey.

"That General Lee was brought to New-York on Thursday the 16th inst. where he was under guard, in a small, mean looking house, at the bottom of King-street.

"That her sister, with whom she lodged, paid eight pence a pound for beef before she came out, which scarcely greased the water it was boiled in."

A letter from Governor Trumbull relative to the embargo laid on the State of Connecticut, was received by Mr. Montaigne, the rider, and read as follows, to wit:

"*Lebanon, Jany.* 22, 1777.

"GENTLEMEN—Your favour of the 14th inst. by express, came to hand the 19th. I fully concur with you in opinion, that it is within the equity of our act, that goods purchased in the eastern States, or imported by your merchants into this State for the use of your inhabitants, should be suffered to pass through this State without any necessary impediment.

"The Legislature of this State had certainly no design to add to the distresses or injure any of their neighbours. Only that persons of property unfriendly to these States, in this, in yours, and other neighbouring States, were privately attempting to ingress provisions and clothing to this State, with intent to convey the same to our enemies, and thereby distress our army and embarrass, and if possible, defeat our measures. To this purpose the most extravagant prices were offered and given, and the currencies thereby affected. To prevent these evils the Assembly laid their embargo, and authorized the Governor and Committee of Safety to impress and seize any such articles thus engrossed, for the use of the army. The general good of the United States was their object, in compassing which they wished as much as possible to avoid the injury of any of them. Powers were, therefore, vested in the Governor to dispense with the act in particular cases, and permit the exportation of any of the enumerated articles of this description. Permits have been and will be granted for the exportation of these articles to the subjects of the neighbouring States, where it appears they are intended for the use of the friendly inhabitants and there appears to be no design to play upon our currencies.

"In the particular cases you mention to the committee of pay table at Hartford, or either of them, Elihu Chauncey and James Wadsworth, Jun. Esquires, at Durham, the Honble. Jabez Hamlin, Esqr. at Middletown, and Jonathan Fitch, Esqr. at New-Haven, are empowered to give permits for exportation to any person from your State applying for and procuring a certificate as you propose. If this provision is not thought sufficient to remove the inconvenience, persons will be vested with the like power at any other places you shall judge necessary.

"I am, gentlemen, with truth and regard,

"Your obt. humble servant,

"JONTH. TRUMBULL.

"The Honourable Committee of Safety."

A short letter from Joseph Wood, of Orange county, was received and read. Therein was enclosed an intercepted letter from Murray, Sansom & Company, directed to Roger Townsend, merchant, at Goshen, which was read, and follows, to wit:

"*Philadelphia, 4th December*, 1776.

"DEAR SIR—Mr. Lindley informs me that he has left the goods in your care, with orders to dispose of some part of them; but as times seem exceedingly precarious, we would not wish to have any Continental on hand, therefore desire that you would not dispose of any of the goods until you hear further from us; if you have sold any of them, please lay out the money in wheat or flour, or staves, but by no means keep any on our account.

"In haste, your real friends,

"MURRAY, SANSOM & Co.

"Mr. RODGERS TOWNSHEND, Merchant, Goshen."

The said letter being read,

Ordered, That a certified copy thereof be sent to the Committee of Safety at Philadelphia, and that another copy of the same letter be sent to Colonel Woodhull, Colonel Hauthorne and Major Moffat of Orange county; and that they, or any two of them, be directed to take and secure all the property of the said Murray, Sansom & Co. which is within this State, and return an inventory thereof to this Convention. And for that purpose,

Resolved, That those gentlemen, or any two of them, be and hereby are authorized to summon and convene before them any witnesses or other persons, and to administer an oath or affirmation to them, or either of them, relative to the matters to them committed; and to search, send for and secure any papers or writings relative to the property of the said Murray, Sansom & Company.

Resolved and Ordered, That Mr. Adgate, Mr. Stephens and Mr. Gelston be a committee to report ways and means to obtain a reimbursement of the moneys paid by this State for the transportation of stock and effects from Nassau island; that they report the mode of obtaining, and account for selling and disposing of all such stock and effects as belong to this State, as are in the State of Connecticut.

James Livingston, Esqr. Chairman of the Committee, came in and took the chair.

Captain John Schenk, one of the members, came in and took his seat.

A letter from the Honourable John Hancock, President of the Honourable Congress, dated at Baltimore on the fifteenth instant, was read, and is as follows, to wit:

["CIRCULAR.]

"*Baltimore, Jany.* 15*th*. 1777

"GENTLEMEN—In obedience to the commands of Congress, I do myself the honour of transmitting the enclosed resolves, to which I am to request your attention, as well as your compliance therewith.

"The depreciation of Continental currency, having been for some time a most growing evil, it became absolutely necessary to provide some remedy against it. With this view, and in hopes of establishing the credit of it, the Congress have adopted and recommended to the several States such measures as, if properly and vigourously executed, will most undoubtedly be attended with success.

"I have the honour to be, gentlemen,

"Your most obt. and very hum. servant,

"JOHN HANCOCK, *Prest.*

"*P. S.* Your letter of has been duly received, and is now under consideration of a committee; as soon as a report is made, the result of Congress shall be communicated to you.

"Honourable Convention of the State of New-York."

The resolutions enclosed in the foregoing letter are as follows, to wit:

"IN CONGRESS, *January* 14*th*. 1777

"WHEREAS the Continental money ought to be supported at the full value expressed in the respective bills, by the inhabitants of these States, for whose benefit they were issued, and who stand bound to redeem the same according to the like value; and the pernicious artifices of the enemies of American liberty to impair the credit of the said bills, by raising the nominal value of gold and silver, or any other species of money whatsoever, ought to be guarded against and prevented:

"*Resolved*, That all bills of credit, emitted by authority of Congress, ought to pass current in all payments, trade and dealings in these States, and be deemed in value equal to the same nominal value of Spanish milled dollars; and that whosoever shall offer, ask or receive more in the said bills for any gold or silver coins, bullion or any other species of money whatsoever, than the nominal sum or account thereof in Spanish milled dollars; or more in the said bills for any lands, houses, goods or commodities

whatsoever, than the same could be purchased at, of the same person or persons, in gold or silver, or any other species of money whatsoever; or shall offer to sell any goods or commodities for gold or silver coins, or any other species of money whatsoever, and refuse to sell the same for the said Continental bills; every such person ought to be deemed an enemy to the liberties of these United States, and to forfeit the value of the money so exchanged, or house, lands or commodities so sold or offered for sale. And it is recommended to the Legislatures of the respective States to enact laws, inflicting such forfeitures and other penalties on offenders as aforesaid as will prevent such pernicious practices.

"That it be recommended to the Legislatures of the United States to pass laws to make the bills of credit issued by the Congress, a lawful tender in payment of public and private debts, and a refusal thereof, an extinguishment of such debts; that debts payable in sterling money be discharged with Continental dollars at the rate of 4*s.* 6*d.* sterling per dollar; and that in discharge of all debts and contracts, Continental dollars pass at the rate fixed by the respective States for the value of Spanish milled dollars.

"*Resolved*, That it be recommended to the Legislatures of the several United States, to pass resolutions that may make provision for drawing in and sinking their respective quotas of the bills emitted by Congress at the several periods fixed, or that shall be fixed by Congress.

"That it be recommended to the Legislatures of the several States to raise by taxation, in the course of the current year, and remit to the treasury, such sums of money as they shall think will be most proper in the present situation of the inhabitants, which sums shall be carried to their credit, and accounted for in the settlement of their proportion of the public expenses and debts, for which the United States are jointly bound.

"That an additional sum of two millions of dollars be borrowed at the loan offices, on certificates of two hundred dollars each.

"That the commissioners of the loan office be directed to receive the bills of credit heretofore emitted by the States, in which they respectively hold their offices, for such sums as they shall be ordered by the Continental Treasurer, from time to time, to pay for Continental purposes within such States, respectively.

"By order of Congress.

"JOHN HANCOCK, *Presdt.*"

Ordered, That the preceding resolutions of Congress be referred to the committee appointed to devise and report ways and means to prevent the depreciation of bills of credit.

The Committee were informed that Captain Augustine Lawrence is attending, pursuant to an order of this Committee, made on the instant, and that Lancaster Burling and Stephen Seaman, at the door, are also attending by a like order.

Ordered, That Major Tappen and Major Lawrence be a committee to hear Captain Lawrence, and the said carpenters, and report what orders and directions may be necessary to be given in the premises.

Brigadier-General George Clinton came into the Committee and took his seat.

A pay roll of the officers, non-commissioned officers and privates, of Captain Isaac Belknap's company of rangers, from the ninth day of December last, to the seventh day of January instant, both days included, and amounting to one hundred and eleven pounds, five shillings and seven pence half penny, was exhibited for payment; thereto is annexed a charge of forty pounds, for the first part of the bounty of eight men of the said company, and a charge of twenty-five pounds, for the last moiety of the bounty of five of the said men, amounting together to sixty-five pounds. Thereon is endorsed an affidavit of Captain Belknap, that the same is a true pay roll, and that the said bounty is justly due, according to a resolution of the Convention of the 23d July last. The said pay roll is also audited and allowed by Benjamin Newkerk, Mat. Adgate and Alexander Webster, three of the auditors, for the sum of one hundred and eleven pounds, five shillings and seven pence, for pay and further bounty due to Captain Belknap and company.

Ordered, That the Vice-Treasurer of the State of New-York, pay to Captain Isaac Belknap, on his receipt, or receipts, the sum of one hundred and eleven pounds, five shillings and seven pence, for the pay of himself and his company of rangers, from the ninth day of December to the seventh day of January, both days included; and also the further sum of sixty-five pounds for bounty due the privates therein named, in the account for that purpose subjoined to the said pay roll.

A roll of the billeting money due the officers and men of the said company of rangers, from the said ninth day of December last to the seventh instant, sworn to in like manner, by Captain Isaac Belknap, and audited and allowed by the three auditors last named, for the sum of seventy-seven pounds, nine shillings, due thereon for subsistence, both the last mentioned days included, was exhibited for payment.

Ordered, That the Vice-Treasurer of this State, pay to Captain Isaac Belknap, the sum of seventy-seven pounds, nine shillings, for the said billeting or subsisting money due, for himself and his company, and take a receipt in full for the same.

Resolved and Ordered, That the committee for detecting conspiracies, &c. be relieved from considering the bill of sale of personal estate of John Miller, to John Halstead and Rudolphus Swartwout, and that the said bill be referred to Robert R. Livingston, Esqr. who is hereby appointed to report thereon.

Major Schenk reported that, pursuant to the order of this Committee, passed on Saturday last, he procured a very suitable house for a small pox hospital, to wit: the house of Jacob Dubois, where he resides, about five miles from hence. That he has called at the houses of those persons where the small pox now is, and desired them to have the persons infected therewith removed to the said hospital; but that they refused, or neglected, and say they cannot remove their sick.

General George Clinton informed the Committee that a certain Samuel Knape, of Colonel Hawthorne's regiment, in Orange county, who was legally warned to proceed with the militia of his brigade, as a soldier, deserted to the enemy at Hackensack, has been taken, and now is in Goshen jail.

Resolved, That the said General Clinton be requested to appoint a court martial for the trial of said prisoner; and that the said court martial be, and they hereby are empowered, to proceed as well upon the resolution of the Convention of this State of the 16th day of July last, in cases of treason, as upon the Continental articles of war.

Resolved and Ordered, That if the said Samuel Knap, be convicted upon the said resolution of the 16th day of July last only, he be not executed without the order of the Convention of this State, but that in such case the General refer the sentence of the said court to the said Convention.

An account of Egbert Benson, Ezra Thomson and Jacobus Swartwout, commissioners appointed for repressing the refractory spirit of the militia in several parts of Dutchess county, crediting the committee with three hundred pounds advanced to said commissioners, and charge this committee with sundry expenditures, amounting to £252 2*s.* 10*d.* according to vouchers accompanying said account, leaving a balance in favour of the State, of £47 17*s.* 2*d.* was read.

A certificate of Mathew Adgate, Benjamin Newkirk and Alexander Webster, the committee for auditing accounts, that they have examined the said account and vouchers, and are of opinion the same be allowed, was also read.

Resolved, That the Committee of Safety agree with the committee for auditing accounts, in their report or certificate, and

Ordered, That the said commissioners pay the said balance of £47 17*s*. 2*d*. to the vice-treasurer of this State, and that he credit them for the same, and file the vouchers.

The Committee of Safety then adjourned until ten o'clock to-morrow morning.

DIE MARTIS, 10 HO. A. M.

January 28th, 1777.

The Committee met pursuant to adjournment.

PRESENT—James Livingston, Esqr. *Chairman.*
Mr. Adgate—*Albany.*
Captain Schenk, Mr. Jas. Livingston, Major Schenck—*Dutchess.*
Major Lawrence—*Queens.*
Mr. Tappen, Genl. Clinton—*Ulster.*
Mr. Morris—*Westchester.*
Mr. Wisner—*Orange.*
Major Webster—*Charlotte.*
Mr. Gelston—*Suffolk.*
Mr. Harper, Mr. Newkerk—*Tryon.*
Mr. Stevens—*Cumberland.*

An account of Albert Ogden, late keeper of the jail of Westchester county, for victualling Ryner Van Housen, late a pilot on board one of the enemy's ships; William Ridsdall Metcalfe, late a midshipman on board the British ship of war Savage, and sundry other State or Continental prisoners, and amounting in the whole to the sum of thirteen pounds seventeen shillings and eight pence, was exhibited to the Committee of Safety for payment.

Thereto is annexed an affidavit of the said Albert Ogden, sworn before the Chairman, that the said account is justly and truly charged, and that he did actually victual the several persons therein named, the days therein charged, and for which he has received no pay. On the said account is endorsed a certificate of Mat. Adgate, Alexander Webster and Benjamin Newkerk, three of the members appointed to audit accounts, that they have examined the said account, and are of opinion that Albert Ogden be allowed for victualling Van Housen, Dawkins, Metcalfe, Smith and Stewart, the sum of thirteen pounds seventeen shillings and eight pence, in full for the said account, and that the overpart of the account for jail fees ought not to be paid by the State.

Resolved, That the Committee of Safety agrees with the committee of auditors in the said certificate or report. And

Ordered, That the Vice-Treasurer of this State pay to the said Albert Ogden the sum of thirteen pounds seventeen shillings and eight pence, in full for his said account, for maintaining and keeping, at the rate of one shilling and two pence per day each, Ryner Van Housen, late a pilot of one of the enemy's ships of war; William Redsdall Metcalfe, late a midshipman on board of the enemy's ship of war "Savage," and the other persons or prisoners therein named, and take his receipt for the same.

An account of Captain Jeremiah Rodgers, for keeping a look-out at South Hampton, in pursuance of direction of the Provincial Congress, on the 4th of March, 1776, occasioned by advice from Boston that the enemy's fleet was expected westward, was exhibited for payment. The said account amounts to £22 18*s*. 6*d*. Thereto is annexed a certificate of Henry Herrick, a member of the said committee, that the said Jeremiah Rodgers was appointed for that purpose.

A report of Mat. Adgate, Alexander Webster and Benjamin Newkirk, three of the committee for auditing accounts, was therewith produced and read, whereby they certify that they are of opinion, that there be allowed unto the said Jeremiah Rodgers, for his account, the sum of nineteen pounds eight shillings and sixpence, for one hundred and eleven days, at three shillings and six pence each, from the time of his receiving orders until the time of the arrival of the enemy's fleet at Sandy Hook; and that it is the opinion of the said committee that it should be charged to the United States.

Resolved, That the Committee of Safety agrees with the committee for auditing accounts, in their said report.

Ordered, That the Treasurer of this State pay to Captain Jeremiah Rogers, or his order, the said sum of nineteen pounds eight shillings and six pence, on his receipt in full for the said account, and charge the same to Continental account.

An account of Edward Walker, amounting to twenty-four shillings, for carrying a load of baggage for Captain Baldwin's company from Fishkill to Staats Burgh, on their way to Albany, was exhibited for payment.

A certificate of Captain Alexander Baldwin, that the said service was performed, was also exhibited and read. There to is added a certificate of three of the auditors, to wit, Matthew Adgate, Alexander Webster and Benjamin Newkirk, that they are of opinion that the sum of twenty-four shillings be allowed to Edward Walker for the same.

Resolved, That this Committee of Safety agrees with the committee of auditors in their said report; and,

Ordered, That the Treasurer of this State pay to the said Edward Walker, or his order, on his receipt, the said twenty-four shillings.

Philip Hart of Charlotte precinct in Dutchess county, fuller, requested permission to pass to Hartford in Connecticut, to procure three persons to assist him in the trade of a fuller, and that he and such number of persons as he may employ in the fulling business, may be exempted from military duty.

Thereupon, a certificate was, by order of the Committee, given to him, in the words following, to wit:

"This is to certify, that Philip Hart of Charlotte precinct in Dutchess county, fuller, hath the permission of this Committee to go to Hartford in the State of Connecticut, and there, with leave of the proper authority, to engage from among the prisoners of war in the said State, three persons who may be capable of assisting him in the trade of a fuller, the same being much wanted within this State. And, in the mean time, the said Philip Hart is hereby exempted from serving in the militia of this State for three months from this day, as also such a number of hands as he shall actually employ in the fulling business, not exceeding two besides himself."

The report of the committee to whom was referred the report as to the disposition of the rangers, was read, and being again read by paragraphs, debates arose thereon; and after some time spent thereon,

Resolved, That the said report be rejected. That commissioners be appointed to go in the different counties and pay, or settle with, the rangers.

That General George Clinton, Mr. Morris and Mr. Wisner, be a committee to draw and report instructions for such commissioners.

Mr. Robert Harper informed the Committee of Safety that the committee appointed to procure clothing are in want of cash to proceed in that business, and have advanced so much that the State is indebted to them.

Ordered, That the Vice-Treasurer of this State pay to Robert Harper, Esqr. as chairman of the committee of members appointed to purchase clothing for the Continental troops, on his receipt, the sum of five hundred pounds, on account. And,

Ordered, That the said committee for procuring clothing, do, with all possible speed, produce their accounts to the Auditor-General, to be audited.

The Committee of Safety then adjourned until 10 o'clock to-morrow morning.

DIE MERCURII, 10 HO. A. M.

Fishkill, January 29th, 1777.

The Committee met pursuant to adjournment.

PRESENT—James Livingston, Esquire *Chairman*.
Mr. Roosevelt, Mr. Rob. Harper—*New-York*.
Mr. Adgate—*Albany*.
Mr. Tappen—*Ulster*.
Mr. Gelston—*Suffolk*.
Major Schenk, Captain Schenk—*Dutchess*.
Mr. Morris—*Westchester*.
Mr. Wisner—*Orange*.
Major Lawrence—*Queens*.
Mr. Harper, Mr. Newkirk—*Tryon*.
Major Webster—*Charlotte*.
Mr. Stephens—*Cumberland*.

A letter from Elizabeth Kipp, widow, dated at Poughkeepsie, directed to Convention, was read. She therein sets forth that she is poor, has a family of children to maintain, and requests that some work or employment may be given to her to enable her to maintain her family.

Ordered, That it be referred to the committee appointed to procure clothing, and that they endeavour to have her employed.

An account of Undrell Strang, for riding post on one of the stages between Fishkill and the army below, eighty-two days, at 16*s*. per day, amounting to sixty-five pounds twelve shillings, was exhibited for payment.

Benjamin Newkerk, Mathew Adgate and Alexander Webster, three of the committee for auditing accounts, have thereon certified that they do allow the sum of sixty-five pounds twelve shillings, due Undrett Strang.

Ordered, That the Treasurer, or Vice-Treasurer of this State, pay to Undrett Strang, the sum of sixty-five pounds twelve shillings, on his receipt in full for the said account.

Colonel Robinson, who has an estate in the dominions of the King of Denmark, now at the door, by a member, prays leave to resign his commission as lieutenant-colonel of a regiment of militia in Queens county, on account of a proclamation of the King of Denmark, that the estate of all persons in his dominions, who shall bear arms against the King of Great Britain in the present war with America, shall be forfeited.

Resolved, That Lieut. Colonel Robinson have leave to resign his said commission; and that to prevent any anxiety to Colonel Robinson, and for the reasons above mentioned, his resignation is hereby accepted.

A letter from Major-General Schuyler, on the subject of monopolies, and providing a remedy for the same, dated on the fifteenth instant, was read, and committed to Mr. Morris, to prepare a draft for an answer.

The committee appointed to hear Captain Augustine Lawrence and Lawrence Burling, and the ship carpenters, brought in their report, which was read, and postponed till to-morrow.

The Committee of Safety then adjourned until 10 o'clock to-morrow morning.

DIE JOVIS, 10 HO. A. M.

January 30th, 1777.

The Committee met pursuant to adjournment.

PRESENT—James Livingston, Esqr. *Chairman*.
Col. Broome—*New-York*.
Mr. Tappen—*Ulster*.
Captn. Schenk—*Dutchess*.
Mr. Morris—*Westchester*.
Mr. Wisner, Mr. Jos. Smith—*Orange*.
Mr. Wm. Harper, Mr. Newkirk—*Tryon*.
Mr. Webster—*Charlotte*.
Mr. Stevens—*Cumberland*.

A petition from the body of shipwrights employed on the public work at Poughkeepsie, signed by George Peek, clerk, by their order, and requesting an augmentation of wages, was read.

An address of Abner Baldwin, and eleven others, of persons employed in the work intended for the obstruction of the navigation of Hudson's river, praying for an augmentation of provisions to a ration and a half per man per day, was read.

Ordered, That the said petition and address be committed to Colonel Broome and Major Tappen, to consider and report thereon.

William Grant and William Curry, two deserters from the British ship of war Senegal, with a pass from the committee of Convention, directing the expedition in the county of Westchester, were separately brought into the Committee of Safety and examined.

Ordered, That the Chairman give them a recommendation for employment to the superintendents of the Continental frigates, in this State. And

Ordered, That the Secretary advance to each of them, a dollar, and charge the same to the Convention of this State.

Christopher Warren, formerly a soldier in Colonel Hand's company of riflemen, now a deserter from Captain Alexander Grant's company, in the enemy's service, was brought into the Committee and examined.

Christopher Warren, a soldier of Captain John Davis's company, formerly of Colonel Hand's regiment of riflemen, and since a part of the troops under the command of Colonel Magaw, and taken by the enemy on Manhattan's island, with a party then on duty with Ensign Wilson, having lately escaped from the enemy and gained accession to, and protection from, the militia of this State, now on service near King's Bridge, has applied to this Committee for an advance of a little money to support him on his return to his family in Manning township, in Salem, in New-Jersey, to be hereafter retained by the Continent out of his pay.

Ordered, That the Treasurer of this State advance to the said Christopher Warren, on his receipt, four dollars, and charge the same to Continental account.

The report of the committee appointed to draw instructions for commissioners to be appointed to settle with and pay the several companies of rangers raised in this State, was brought in and read.

Ordered, That it lay on the table for consideration until a greater number of members shall be present.

The letter from General Schuyler, dated the 15th instant, on the subject of monopolies, and providing a remedy for the same, was again read, and follows, to wit:

"*Albany, January 25th*, 1777.

"SIR—A set of monopolies in this county have engaged such quantities of wheat, peas, corn, boards, &c. that a sufficiency to support the army in the next campaign, cannot be procured; to remedy this evil, permit me to recommend to the Convention to pass a law empowering the deputy quarter-master-general and his deputies, and the deputy-commissary-general and his deputies, to take such articles as they may want in their several departments, paying the usual price; or what would be better, such a price as the Convention may please to order. If the Convention should think proper to invest the officers I have mentioned with such a power, I wish it to be done as soon as possible, as the season in which the articles wanted can be most easily conveyed, will soon be passed.

"I very much fear unless reinforcements are sent to Ticonderoga by the time Lake Champlain is passible on the ice, that we shall lose that fortress. My application to the eastern States for troops has not met with the success I wished; for seven hundred are only arrived from thence.

"I am, sir, your most
"Obedient, humble servant,
"PH. SCHUYLER.

"President of the Convention of
the State of New-York."

A draft of an answer to the letter of Major-General Schuyler, was read and approved, and is in the words following, to wit:

"SIR—The Committee of Safety were yesterday honoured with your favour of the twenty-fifth instant, in answer to which, I am directed to inform you that the matter mentioned in it hath been under the consideration of a committee appointed to prevent a depreciation of the currency. This is an affair of great, of infinite importance; for should we limit the prices of commodities of one sort, the people will have great cause of complaint; they will demand a similar regulation for others. If it is objected that by restraining a merchant we discourage trade, and of consequence by rendering the produce of foreign climates scarce, increase the price whenever necessities compel us to take off the restraint, it will be answered that the same thing must eventually happen as to the produce of our own State; and what is more forcible, that the State of New-York, being the seat of war, and deprived of her commerce, the inhabitants are by that means obliged to receive the goods they consume at an exorbitant price from their neighbours, and ought, while subject to this inevitable consequence of their situation, to enjoy the advantage of selling at the highest rate the produce of their industry. Those who have been guilty of monopolizing provisions with sinister views, ought, doubtless, to be punished; but at the same time it must be provided that they suffer no more than their desert. In short, this business is of so great magnitude, that it requires the wisdom of the Convention to determine upon it; and whenever they meet, which we expect will be the 3rd of February next, your application shall be laid before them, when we hope that something effectual may be done. At present, we beg leave to observe that the laying of taxes and organizing courts of justice, seem to be the most wholesome remedies for the growing evil.

"I have the honor to be, &c.

"*P. S.* If you could send down three or four sleighs with salt to this place, it would be of great service to the troops here, who suffer for want of that necessary article.

Ordered, That a copy thereof be engrossed, and signed by the Chairman, and transmitted.

Ordered, That Mr. Wisner be authorized to have persons who have the small pox in this district, removed to the hospital provided for that purpose.

The Committee then adjourned till 10 o'clock to-morrow morning.

DIE VENERIS, 10 HO. A. M.

January 31st, 1777.

The Committee of Safety met pursuant to adjournment.

PRESENT—James Livingston, Esqr. *Chairman.*
Colonel Broome, Mr. Duane—*New-York.*
Mr. Adgate, Mr. Rob. Harper—*Albany.*
Mr. Tappen—*Ulster.*
Major Schenk, Capt. Schenk—*Dutchess.*
Mr. Wisner, Mr. Jos. Smith—*Orange.*
Mr. Morris—*Westchester.*
Major Lawrence, Major Webster—*Charlotte.*
Mr. W. Harper—*Tryon.*
Mr. Stevens—*Cumberland.*

John Losie, of the settlement called Oswego, in Dutchess county, at the door, was admitted. He produced a bill of sale from Joseph Harris, for a negro man named Isaac, and claimed the negro as his property. He acknowledged that the said negro is not in the possession of the said Joseph Harris or himself, but in the custody of Captain Wright, with whom he enlisted; that he took the said bill of sale yesterday evening, and then gave a bond in payment for the said negro.

Ordered, That the title and property of the said negro, or mulatto, named Isaac, be referred to Mr. R. R. Livingston to report thereon; and in the mean time that the said negro be continued where he now is: and

Ordered, That the Secretary preserve a copy of the said bill of sale.

"The committee, to whom was referred the petition of Abner Baldwin and eleven others, on behalf of themselves and their several companies of artificers, praying an addition of half a ration to their present allowance; and also the petition of George Peek, in behalf of himself and the body of the mechanics, praying an addition to their wages, report: That the prayer of the said petition of Abner Baldwin and eleven others, ought to be granted. And your committee do further report, that they have had a conference with Robert Hatten, foreman of the shipwrights, and the aforesaid George Peek, in behalf of himself, and the rest of the journeymen shipwrights; in the course of which conference, the said Robert Hatten proposed that an allowance of 14*s.* and one-half pint of rum per day, ought to be allowed him for his future service; and the said George Peek, for himself and the rest of the mechanics, proposed that an allowance of 11*s.* and one-half pint of rum for each man per day, ought to be allowed them for their future service. The committee further report, that the said Robert Hatten and George Peek, requested, that if the aforesaid terms should not meet the approbation of the Committee, that they would be pleased to furnish them, the said Robert Hatten and George Peek, with their proposals.

"The committee are of opinion that their present wages, together with the allowance of one and a half ration for each man per day, is an adequate compensation for their labour, and ought to be continued. All which is nevertheless submitted."

Resolved, That the Committee of Safety agrees with their committee in the said report. And,

Resolved, That an allowance of one ration and an half per day, be made to each of the mechanics employed in obstructing the navigation of Hudson's river, while employed in that service. And,

Resolved, That the present wages allowed to ship carpenters employed by this State, with the allowance of one and a half ration for each man per day, is an adequate compensation for their labour, and ought to be continued. But that the said ship carpenters ought to be nevertheless at liberty immediately to desist from any services for this State, if they think proper.

WHEREAS certain numbers of arms and accoutrements have been delivered to the troops raised in this State in the course of last year, for which the officers of the several regiments and companies have passed their receipts: AND WHEREAS the chief part of the said troops are disbanded, and many of the said arms and accoutrements are not yet redelivered: Therefore,

Resolved and Ordered, That the several officers who have so passed their receipts as aforesaid, deliver, or cause to be delivered without delay, all such arms and accoutrements as aforesaid to Matthew Cantine and William Harper, Esquires, at Fishkill, in Dutchess county, or account to the Convention of this State for the same. Messrs. Duane and Rob. Yates came into the Committee.

Resolved, That Cadwallader Colden, Esquire, be sent for, and directed to attend the Convention or Committee of Safety of this State without delay.

On motion of Mr. Jay, seconded by Mr. Duane,

Resolved, That Colonel Broome, Mr. Wisner and Mr. Henry Schenk, be and hereby are appointed a committee to treat with Mr. John Holt, about setting up a printing office in this State; and that they be authorized to offer him two hundred pounds for one year as a State Printer of this State, provided he will print a public newspaper, and on like terms as Samuel Loudon. And

Resolved, That the said committee be and hereby are authorized and directed to seize and secure all the printing

tyes formerly belonging to Hugh Gaine, now in the county of Dutchess and its neighborhood.

Messrs. Duane and Robert Yates, returned from Kingston, reported in substance that they had conferred with the committee of Kingston, in Ulster county, and find that if the Convention should move to that place fifty members may obtain good accommodations. That the price will be twenty shillings per week. That the court house, or a large room in the said building will be convenient for the Convention to meet in. That they had also inquired of several gentlemen at Poughkeepsie, and find that at least thirty members may be accommodated in that neighbourhood; and that the gentlemen there informed them that the Episcopal church would be the most convenient place in Poughkeepsie in which the Convention could assemble.

Mr. Jay informed the committee that if the Convention would fix their place of meeting at the Presbyterian church near Colonel Brinckerhoff's, the Convention would be conveniently accommodated.

Ordered, That Mr. Morris and Mr. Jay be a committee to inquire particularly, and report what accommodation members of Convention can obtain in that neighbourhood.

Ordered, That Mr. Robert Yates be and is hereby appointed a member of the committee appointed by Convention for detecting and defeating conspiracies, &c. in this State.

A pay roll of wages due a company of carpenters under the direction of Captain Jonathan Blake, amounting to near three hundred pounds, was exhibited to the Committee, who were informed by reason of Mr. Duer's absence, Captain Blake is unable to obtain money to pay those of the said company whose time of service is expired, and are to depart to a neighbouring State.

Ordered, That the Treasurer of this State advance on loan to Captain Jonathan Blake on his receipt, any sum not exceeding two hundred pounds, to enable him to maintain the Continental credit by paying such of the said workmen as he may find necessary. That the said money be lent on the credit of the Quarter-Master-General, to be repaid by Mr. Duer on his return, or any other gentlemen in the department of Quarter-Master-General.

The Committee then adjourned till 10 o'clock to-morrow morning.

DIE SABBATI, 10 HO. A. M.
Feby. 1st, 1777.

The Committee met pursuant to adjournment.

PRESENT—James Livingston, Esquire, *Chairman*.
Mr. Duane, Mr. Roosevelt, Colonel Broome—*New-York*.
Mr. Adgate—*Albany*.
Mr. Tappen—*Ulster*.
Mr. Jos. Smith—*Orange*.
Mr. Harper, Mr. Newkerk—*Tryon*.
Major Webster—*Charlotte*.
Mr. Stephens—*Cumberland*.
Judge Graham—*Westchester*.

Mr. Duane informed the Committee of Safety that a guard to attend and guard the jail at Kingston every night, in which Savage and several other dangerous persons are confined, appeared necessary to Mr. Robert Yates and himself while at Kingston; and that they had encouraged the committee of Kingston to appoint such guard.

WHEREAS, thereupon the application of the committee of Kingston, of the day of January was taken into consideration, and the Committee of Safety came to the following determination thereon, to wit:

WHEREAS application has been made to the Convention by the committee of Kingston for a guard to be kept for the safe custody of the State prisoners in jail at that town, and the said public records there lodged; and the sub-committee lately sent to the said town by this Committee have reported that conceiving such guard to be immediately necessary, they had directed the committee of the said town to appoint such guard out of the inhabitants thereof; six of the said guard to watch every night until the further order of the Committee of Safety:

Resolved, therefore, That this Committee do approve of the conduct of their sub-committee in the premises, and such guard is hereby directed to be kept accordingly; and to be under the direction of the Committee or Convention, for which an allowance of 2*s*. 6*d*. shall be made to each of the said guard for every night he shall be upon duty; and that the committee of the said town shall provide candles and firewood for the said guard, for which they shall be reimbursed out of the treasury of this State.

Ordered, That a copy of this resolution be transmitted by the Secretary to the chairman of the committee of Kingston.

WHEREAS in pursuance of the resolution of this Committee, passed on the day of January last, a small pox hospital has been established in a convenient part of this district; and the persons who have taken the small pox in the natural way, and live on the public roads, have most unreasonably refused to move, or their parents to suffer them to be removed to the said hospital, although required thereto agreeably to the said resolution: AND WHEREAS the danger of infection has already proved detrimental to the public, particularly by discouraging the recruiting service, and the supply of the army with provisions:

Resolved, therefore, That the committee of Rombout's precinct or district be, and they hereby are directed and authorized forthwith, to cause all persons within the said district, who are or may be infected with the small pox, to be removed to the said hospital, or to such other hospital as may be appointed by the general committee of the county of Dutchess.

Resolved, That a copy of this resolution be immediately transmitted to the chairman of the said district committee, who is directed to request one of the senior surgeons of the Continental Hospital at this place, to give this advice respecting the safe treatment of the persons infected with the small pox.

The Committee of Safety adjourned until 10 o'clock tomorrow morning.

DIE LUNÆ, 10 HO. A. M.
February 3rd, 1777.

The Committee met pursuant to adjournment.

PRESENT—James Livingston, Esqr. *Chairman*.
Mr. Duane, Col. Broome, Mr. Robt. Harper—*New-York*.
Mr. Adgate, Mr. Robt. Yates—*Albany*.
Mr. Tappen—*Ulster*.
Judge Graham—*Westchester*.
Mr. Jos. Smith—*Orange*.
Mr. Newkirk, Mr. Wm. Harper—*Tryon*.
Mr. Stephens—*Cumberland*.
Major Webster—*Charlotte*.

A letter from Peter Van Schaick, dated at Kinderhook on the 25th January, was read. He therein informs that he is sentenced by the committee for detecting conspiracies, or their order, to make the town of Boston his prison. He therein assigns some reasons for his having refused taking an oath of allegiance to this State, and requests permission to remove from this State with his family and effects.

A detail of the proceedings of the county committee of Albany, and of the district committee of Kinderhook, from June 1774 to January 1777, enclosed with the said letter and therein referred to, was read.

A paper mnked A, referred to in the said detail, as a copy of the order of the general committee at Albany, for the choice of a new committee, dated 30th October, 1775,

and a copy of an advertisement of the Kinderhook committee, dated November, 1775, was also read.

A paper marked B, mentioned in the said detail, is a copy of a letter from Abraham Yates, Junr. chairman of the committee at Albany, to the committee at Kinderhook, dated the seventh December, 1775, was read.

A paper marked C, and referred to in the said detail as a copy of an advertisement for holding an election for a committee to represent the district of Kinderhook, in the general committee of the county, and dated January 6th, 1776, was read.

A paper marked D, and referred to in the said detail as a copy of the protest from the committee of the district of Kinderhook, dated on the 5th January, 1776, was also read. And

A copy of a paper marked E, and referred to in the said detail as the last advertisement for holding an election in the district of Kinderhook, dated at Albany, 18th June, 1776, was also read. Thereupon,

Ordered, That the said Peter Van Schaick, do attend the Convention of this State.

Ordered, That Mr. McKesson, as a Secretary of the Committee of Safety, attend the court-martial now sitting at Fishkill, aad see that the witnesses to attend on the behalf of Isaac Adriance against Joseph Bean, have notice and are attending. That he request the trial of the said Joseph Bean to be adjourned to a day certain, that the said Isaac Adriance may have notice; at which day all such witnesses as he may notify are hereby required to attend the said court-martial.

The Committee of Safety were informed that sundry maps and materials are necessary to be obtained, to enable the committee preparing the draft of a form of government to describe the boundaries of this State, and which that committee requested Messrs. Duane and Robert Yates to procure—that useful materials for that purpose may be obtained from private hands. Mr. Duane and Yates, having signified their readiness to perform that service,

Resolved, That it is the opinion of this Committee that those two gentlemen endeavour to procure such materials and documents as may be necessary for ascertaining and describing the bounds of this State without delay.

The Committee of Safety adjourned till ten o'clock tomorrow morning.

DIE MARTIS, 10 HO. A. M.
February 4th, 1777.

The Committee met pursuant to adjournment.

PRESENT—James Livingston, Esqr. *Chairman*.
Mr. Duane, Mr. Robert Harper, Mr. Roosevelt—*New-York*.
Mr. Adgate, Mr. Robert Yates—*Albany*.
Mr. Tappen—*Ulster*.
Major Schenk—*Dutchess*.
Mr. Morris, Colo. Drake—*Westchester*.
Mr. Little—*Orange*.
Mr. Wm. Harper, Mr. Newkirk—*Tryon*.
Major Webster—*Charlotte*.
Mr. Stevens—*Cumberland*.

A letter from Major-General Schuyler, relative to the weak state of the garrison at Ticonderoga, on the danger of an attack there by the enemy, as soon as Lake Champlain shall be frozen over, dated on the first instant, was received and read. The General therein complains of monopolizers engrossing many articles necessary for the supply for the Continental army.

A copy of a letter from Mr. Kirkland, a missionary among the Oneida Indians, to General Schuyler, and giving information of a design of the enemy to attack the garrison at Ticonderoga, as soon as Lake Champlain shall be passable on the ice, was received, with the General's letter, and read.

Ordered, That Mr. Morris, Mr. Jos. Smith and Mr. William Harper, be a committee to consider General Schuyler's letter, and papers and information therewith received, and report thereon.

A motion was made and seconded that the coopers in this State may be exempted from military duty or marching with the militia, in order to facilitate the making of flour casks for the transportation of flour for the use of the Continental army. The same being drawn up and read, debates arose thereon. Thereupon,

Ordered, That Major Schenk, Mr. Yates and Major Tappen, be a committee to prepare and report a proper resolution on that subject.

A certain Douglass, who alleges that he has lost his arm and become maimed in the Continental service, attending at the door, requests money to be advanced to him on account of half pay due to him from the Continent.

The Committee were further informed, that the said Douglass has, by a misfortune some weeks since, had his leg broken; and the money advanced him by this State on account of his half pay, is expended.

Ordered, That Mr. Adgate, Col. Drake and Mr. Tappen, be a committee to examine the Continental provision in such cases made, and to inquire into the case of the said Douglass, and report thereon.

A letter from Brigadier-General Herkimer, Ebenezer Cox and Jacob Klock, of Canajohary district, dated the 24th January, and a memorial from the same gentlemen, relative to the case of John Riemen Snyder, were read, and committed to Mr. Adgate, Colonel Drake and Mr. Tappen.

Ordered, That Captain Dewitt be requested to attend the Committee of Safety, at eleven o'clock to-morrow morning.

The Committee of Safety adjourned till 10 o'clock tomorrow morning.

DIE MERCURII, 10 HO. A. M,
February 5th, 1777.

The Committee met pursuant to adjournment.

PRESENT—James Livingston, Esqr. *Chairman*.
Mr. Duane, Col. Broome, Col. Lott, Mr. Roosevelt, General Scott—*New-York*.
Mr. Adgate, Mr. Rob. Yates—*Albany*.
Mr. Tappen—*Ulster*.
Major Schenk, Mr. R. R. Livingston—*Dutchess*.
Col. Drake, Mr. Morris, Col. Van Cortlandt—*Westchester*.
Major Webster—*Charlotte*.
Mr. Little, Mr. Jos. Smith—*Orange*.
Mr. Newkerk, Mr. Wm. Harper—*Tryon*.
Mr. Stevens—*Cumberland*.

The Committee spent some time on the subject of laying an embargo on the produce of this State. Colonel Lott delivered in writing certain resolutions that persons are employed in different parts of the State purchasing wheat, flour, beef, pork, and other produce, and transporting and storing the same in the eastern States; that from thence there is danger of a deficiency of a supply of provisions for the Continental army. Colonel Lott also gave further parol information on the same subject. General Schuyler's relating to monopolies of supplies necessary for the army, were also read and considered. Thereupon,

Ordered, That Mr. Livingston, Mr. Morris and Colonel Lott, [be a committee] to report an ordinance to prevent the depreciation "of Continental and Colonial bills of credit, and to prevent extortion on articles necessary for supplies to the Continental army." That General Schuyler's two last letters be delivered to that committee, and that they speedily report.

Ordered, That the last mentioned committee have leave to absent themselves from this House to-morrow, that they may attend to prepare their report.

The memorial of William Smith, late an engineer in the Continental army, now an inhabitant and resident in this State, was read. He thereby requests a permission to transport merchandise to the State of Massachusetts Bay, and to import from thence effects which he has there purchased on his own account.

Resolved, That the said William Smith be and he is hereby permitted to transport any merchandise from this State to Massachusetts Bay which he may think proper, in his present intended journey. This permission being confined to his present intended journey, and not to operate on any future occasion.

Resolved, That the like permission be granted to Mr. Charles Duryee, late of the city of New-York, at present of Westchester county, merchant.

A letter from George Leonard, the present director at Orange furnace, (since the decease of Samuel Patrick,) offering the furnace, ore, coal, wood, stock, teams, &c. to the Convention, during the residue of the lease to the said Samuel Patrick, was read, and follows, to wit:

"*Orange Furnace, Feby. 3d*, 1777.

"HONOURABLE GENTLEMEN—

"I have with sorrow to inform you that Mr. Patrick, formerly ironmaster at this place, is deceased, and as the widow seems unwilling to carry on the business, I here make a proffer of the works to your honours, as I think it is a pity that such serviceable business should be stopped at this time, as it is so much wanted, and as there are labourers already in employ, and provision provided for the season; horses, oxen, wagons and carts, &c. all ready; and the furnace just in repair for the ensuing blast; and a quantity of wood ready cut, and more cutting; moulders for making cannon and other castings, waiting in readiness; founders waiting for business; cannon patterns and other patterns of all kinds in readiness; a quantity of ore ready raised on the spot; and every utensil fit for carrying on the business; and a grist mill already rented to supply the works with flour, &c.

"If the gentlemen of the Committee should think fit to have it carried on for the use of these forts, (and it is so nearly situated on the river, that at the shortest notice it could supply the forts to the northward with shells, grapeshot, stoves, or any kind of castings,) you can take it in consideration, and I shall be ready to wait on any gentlemen that shall be appointed to come and view the situation; and as the widow's business is to settle, I shall be here some time, and shall be ready to assist any gentlemen that you place here in any thing that I can be of service in, without fee or reward.

"By returning an immediate answer, you will oblige, gentlemen, in behalf of a distressed widow,

"Your most obedient, humble servant,

"GEO. LEONARD.

"*P. S.* The lease which Mr. Patrick had, continues until the first of October next, by which time there may be a good blast made; and I make no doubt it may be hired at a cheap rate for a longer time."

Ordered, That Mr. Jacob Cuyler, Mr. Morris and Mr. R. R. Livingston be a committee to consider of and report ways and means for obtaining cannon and other implements of war in this State. That the former committee for that purpose be dissolved; and that the preceding letter of George Leonard, and the late letter from said Patrick on the subject of castings, be referred to the committee above named.

A memorial of Peter Sim, one of the contractors for setting up a salt work in this State, was read, and is as follows, to wit:

"*To the Honble. Convention of the State of New-York.*

"The memorial of Peter Sim showeth: that your memorialist, in company with Alexander Robertson and some other persons, agreed with your Honourable House to erect works in order to manufacture salt in this State. Your memorialists purchased sundry materials for the said works, to wit, 20,000 bricks, 124 planks, 350 boards, all which, with other articles, were sent to Huntington, Long island, the place agreed on for the manufactory. Alexander Robertson and your memorialist contracted with Colonel Ogden for iron plates for the salt pans; the nails and cast iron for the grates were provided; and a man, experienced in making salt, was agreed with and sent to Huntington to take care of the materials. The enemy taking possession of the island put a stop to the manufactory.

"Your memorialist, therefore, humbly requests that your Honourable House will take the affair into consideration, and grant such advice and assistance in the premises as may be necessary.

"And your memorialist shall ever pray, &c. &c. &c.

"*Fishkill, 5th February*, 1777."

Resolved, That Mr. William Harper and Mr. Robert Yates be a committee to devise ways and means to set on foot salt manufactories in this State.

That they be empowered to make such experiments in making salt as they may think proper; and for that purpose, that they be and hereby are authorized to draw on the treasury for any sum not exceeding four hundred pounds, for the expenditure of which drafts they shall be accountable to the Convention or Legislature of this State.

A letter from Brigadier-General McDougall, dated on the fourth instant, and informing that he had sent up four prisoners of war to the care of the Chairman, was read and is as follows, to wit:

"*Head-Quarters, Peekskill, 4th February*, 1777.

"SIR—As I do not not know who is the commissary of prisoners for this State, I have sent to your care four prisoners taken below from the enemy. Their names are underneath. Two of them are tailors, and may be usefully employed in rigging the frigates. I have no intelligence of importance to communicate.

"I am, sir, your and the Committee's

"Very humble servant,

"ALEX. McDOUGALL.

"Thomas Carr, James McDonald, Richard Scruton, prisoners of war; James Turner, a soldier of Colonel Rodgers' rangers.

"To the Chairman of the Committee of Safety of the State of New-York."

Ordered, That the Secretaries, as commissaries for prisoners of war in this State, give directions that the prisoners be fed with such provisions as are allowed to the Continental troops; and that the said letter be committed to Colonel Drake and Major Tappen.

The committee appointed to bring in a draft of a resolution for exempting coopers from military duty, or marching with the militia, brought in their report, which was read. Debates arose thereon, and after consideration thereof,

Ordered, That it be postponed for the present.

The Committee of Safety adjourned till 10 o'clock tomorrow morning.

DIE JOVIS, 10 HO. A. M.

February 6th, 1777.

The Committee met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *Vice-President*.

Mr. Roosevelt, Mr. Duane, Col. Broome, Col. Lott, Mr. Robert Harper—*New-York*.

Mr. Adgate, Mr. Robt. Yates—*Albany*.

Major Tappen—*Ulster*.

Mr. Robert R. Livingston, Mr. Jas. Livingston—*Dutchess*.

Mr. Little, Mr. Jos. Smith—*Orange*.

Mr. Wm. Harper, Mr. Newkerk—*Tryon*.

Col. G. Drake—*Westchester*.

Mr. Stevens—*Cumberland*.

Major Webster—*Charlotte*.

A certificate of Robert Morris, chairman of the secret committee at Philadelphia, dated the 17th of January last, was read. He thereby certifies that John R. Livingston has made and delivered for the use of the United States, eleven tons two hundred and one quarter and twenty-four pounds of powder.

On application on behalf of John R. Livingston for the bounty allowed for manufacturing,

Ordered, That Mr. Robert Yates and Mr. Tappen be a committee to take the said certificate, and report on the said application.

The letter from Brigadier-General Herckheimer, Ebenezer Cox and Jacob Klock, of Tryon county, committed on the first instant, was read, and follows, to wit:

"*Canajohary District, Jany.* 24, 1777.

"HONOURABLE GENTLEMEN—

"It is some time ago that we sent the enclosed petition, dated the 28th December, 1776, to your Honourable Board, but not being favoured with an answer to this day, and fearing the execution of the committee's resolve might cause much consequential disturbance, we repeat our application and request to your Board, with the enclosed petition of the same contents as our first above mentioned, humbly begging that you'll please to hear us, and determine this case with justice and despatch to the contentment and quietness of the public.

"We must almost suppose that our former petition miscarried.

"We are, with due respect,
"Honourable gentlemen,
"Your most obt. humble servants,
"NICHOLAS HERCKHEIMER,
"EBENEZER COX,
"JACOB KLOCK.

"To the Honourable Convention of the
State of New-York, at the Fishkill."

The petition of Brigadier-General Herckheimer was then read, and follows in the words, to wit:

"*Canajoharie District, Jany.* 24, 1777.

"HONOURABLE GENTLEMEN—

The petition of your petitioners, humbly sheweth, that,

WHEREAS, a certain case of military proceedings in General Herckheimer's brigade, was taken before the committee of this county and countermanded; whereby we, as well as part of the public, are urged to appeal to your Honourable Board for relief. The true circumstances of the case are as follows: John Kayser, of N. Germantown, in Palatine district, a captain of a company of militia in Colonel Jacob Klock's battalion of General Nichs. Herckheimer's brigade, some time ago, by a vacancy of a corporalship in his company, through his corporal's enlisting as a ranger, appointed and ordered John Riemen Snyder, son of Henry Riemen Snyder, of N. Germantown, aforesaid, to be a corporal in the other's stead, which order was refused by both Rumen Snyder, the father, and the son, under the pretence alleged by the father, that his son was a miller, and therefore exempted from such military duty by law, according to the new acts for the militia of the State of New-York. But as it is well known not only to the captain, to his subalterns, and to the company, but to the whole neighbourhood, that the father, Henry Reimen Snyder, aforesaid, who has an old, ragged mill in that settlement, most always out of order, has constantly been the miller himself, when the mill was fit and had water to grind, (being but a small stream to it;) the said captain therefore considering it a scheme of the old man to defraud the public, put the lawful fine, agreeable to the militia rules, upon the said John Riemen Snyder, for refusing to accept and serve as a corporal; and upon still refusing of both Riemen Snyders to pay the said fine, the captain proceeded further in the recovery of the same, and distrained.

"The father, hearing his property was to be distrained, threatened that if any man came upon his ground in order to distrain for that purpose, he would kill him. It is true, the father may be a man of 60 years of age, and is exempted thereby of training; but yet of a hearty and strong constitution, well able for tending this mill, and truly, better, than the son, who has no knowledge of it, and almost never before tended the mill; nor yet, but at the time when the captain calls a training. The father often before declared, that if one applied to him for a loan of horses, or any of the other farming utensils, he had nothing to say in it; that his son be the farmer, and he had to dispose of such things. The father and son, further, after the last voting of officers for that company, expressed, that if the son John would have been chosen an ensign, he would have well treated the officers, and besides provided the colours upon his own costs; but as a private, the father said he should not train. All these circumstances here related, and now in behalf of the said proceedings, when called upon, can be proved by evidences. The said father seeing that his scheme would not be accepted by the captain, nor his will obtained, then made application to the committee of this county, with the complaint that his son, being a miller, was unjustly fined and prosecuted; the committee, upon such complaint, without the hearing of one of the evidences in the captain's behalf, resolved, that the said John Reimen Snyder, being the miller, shall be exempted from military duty, except in invasion, pursuant to the XII. article of the militia acts; and also that the fine recovered by the captain for such refusal to serve as above mentioned, shall be rendered by the said captain to the said John Riemen Snyder. Considering this resolve of the committee, and the manner of the proceedings thereof, we thought ourselves in duty bound to resent it as a grievance and regardless imposition upon the officers of any rank which will disturb the service in general, and in particular, the company of the said Caytain Kayser, which, as we are informed, will take the same privilege of not training, in case this John Riemen Snyder shall be free by his deceitful scheme.

"Therefore, hoping that the rules and regulations of the militia are not evaded, nor intended to be understood, explained or taken in deceit and partiality, or to the fraud of the public, we, the superiour officers, who are resolved, and always willing to serve the country in our contest, faithfully, and to have the militia under our command ruled impartially, find ourselves much aggrieved, and beg that your Honourable Board may look into this case maturely, and procure that justice may be done to the officers as well as the privates. We don't doubt that in particular, the proceedings of the said Captain Kayser will be approved by you just and lawful; and therefore the above mentioned resolve of the committee recalled. We could add some other instances of a like case of fines tried by the committee, and the resolution thereof by them determined, which almost causeth a disrespect of the privates to their officers, and discourage the latter.

"Without prescription to your Honourable Board, we would wish that any militia case should be tried by a court-martial; and if one should think himself aggrieved or wronged, might apply to the field officers, and so on, by degrees, to the brigadier-general, for a just inquiry and determination of the matter. If such an appeal to the committee for every case tried by officers, is allowed to the militia, they always will run there for relief, and that trust reposed in us appears to be checked and our authority void.

"We remain with respect, and your humble petitioners for ever pray, &c.

"Honourable gentlemen,

"Your obdt. humble servants,

"NICHOLAS HEICKHEIMER,

"EBENEZER COX,

"JACOB KLOCK.

"To the Honourable Convention
of New-York State, at the Fishkill."

Mr. Duane gave notice that he intends speedily to move that Brigadier-General George Clinton may be appointed major-general of the militia of this State.

He assigned for a reason, that it might be an introduction to place him in the Continental service, and desired it may be considered of.

Ordered, That the report relative to the rangers raised in this State, be taken into consideration to-morrow, and that all the members be requested to attend.

On the motion of Mr. Little, pursuant to a nomination of Brigadier-General George Clinton,

Ordered, That a commission issue to Seth Marvin, Esqr. as captain of a company of militia, drafted from the militia of Orange county, to continue in service until the last day of March next, pursuant to certain resolutions of the Convention of this State, passed on the first day of January last, the said commission to continue in force until the said company shall be discharged from that service, and then to be void.

The Committee were informed that Samuel Lyon, of Rye manor, and Colonel Thos. Thomas, with six men, on board of a private small boat of war, Flying Fish, took a sloop, Industry, loaded with 15 cords of wood, 17½ barrels of cider and vinegar, one suit of sails and rigging for another vessel, 7 or 8 small bags of meal, navigated with 7 men and women, lately the property of and commanded by Abraham Selleck, and bound from Oyster Bay, on Nassau island, to the city of New-York.

The Committee of Safety adjourned till 10 o'clock tomorrow morning.

FRIDAY MORNING,

February 7th, 1777.

The Committee met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, *Vice-President*.

Mr. Roosevelt, Mr. Duane, Mr. Lott, Mr. Broome, Genl. Scott, Mr. Harper—*New-York*.

Judge Graham, Col. Drake, Mr. Morris, Colo. Van Cortlandt—*Westchester*.

Mr. Jas. Livingston, Mr. R. R. Livingston—*Dutchess*.

Mr. Robert Yates, Mr. Taylor, Mr. Gansevoort, Col. Van Rensselaer, Col. Livingston, Mr. Adgate—*Albany*.

Mr. Harper, Mr. Newkerk—*Tryon*.

Mr. Jos. Smith—*Ulster*.

Mr. Webster—*Charlotte*.

Mr. Stevens—*Cumberland*.

Mr. Tappen, from the committee to whom was referred the memorial of Brigadier-General Nichs. Herckheimer, Ebenezer Cox and Jacob Klock, reported,

"THAT WHEREAS there are many complaints exhibited in the said petition; among others, a complaint against the committee of the county of Tryon. As your committee are not at present possessed of any of the proceedings of the county committees, relating to one John Riemen Snyder mentioned in the said petition:

"Your committee beg leave to report as their opinion, that the Secretary of this Convention do transmit a copy of the said petition to the chairman of the county committee of the said county of Tryon, and that he be requested to transmit to this Convention the proceedings of the said committee respecting the case of the said John Riemen Snyder."

The committee appointed to devise ways and means for manufacturing salt within this State, produced a sample of salt made of the water of certain springs at Oriske, about 10 miles to the eastward of Fort Schuyler, [quere, Stanwix,] and reported that from information, it appears to the committee that nine gallons of the said water will yield two quarts of salt. The said sample of salt being examined and the report considered,

Resolved, That the said committee be directed to devise ways and means to make further experiments, in order to ascertain the qualities of the said waters at Oriskee, and if they shall be of opinion that a salt manufactory can be established there with advantage, that they proceed without delay to procure materials and employ proper persons to carry on the same.

AND WHEREAS it is represented that salt springs have been discovered in several places in the northern and western parts of this State:

Resolved, therefore, That the powers of the said committee be enlarged, and they are hereby directed and authorized, to cause the experiments to be made and works to be erected and set on foot, for carrying on the manufacture of salt in any place within this State, which they, in their judgment, may think affords the greatest prospect of success.

The committee to whom was referred the certificate of Robert Morris, Esqr. chairman of the secret committee of Congress, in favour of John R. Livingston, for the quantity of powder by him manufactured and delivered for the use of the Continental armies, reported,

"That the Convention of this State, on the 9th of June, 1775, resolved that, for every hundred weight of good powder which, upon due proof, shall be certified by the committee of the county where any powder mill is, or shall be erected, to have been manufactured within this Colony, and to have been delivered to the said committee, the bounty of five pounds shall be paid to the manufacturer thereof, over and above the price of such powder, and the said resolve to continue in full force twelve months from the date thereof.

"That by a subsequent resolve, made the 3d day of January last, the said bounty is continued from the 9th day of June, 1776, until the 9th day of June, 1777.

"That the said certificate does not prove the manufacturing and delivering of gunpowder, in the manner prescribed by the said resolutions, yet the committee are of opinion that the said certificate is sufficient evidence of the making and delivery of the quantity of powder therein mentioned, and that the proof does not come within the letter of the said resolve, yet that upon equitable principles the bounty ought to be allowed to the said John R. Livingston."

The said report being read, was agreed to. Thereupon,

Ordered, That the Treasurer of this State pay to Mr. John R. Livingston, the sum of £1,112 5*s*. in full for the bounty on eleven tons, two hundred, one quarter and twenty-four pounds of gunpowder, manufactured at his powder mills, Dutchess county, and take his receipt in full for the same.

Resolved, That it is the opinion of this Committee that it would too far weaken and endanger the passes of the Highlands, as well as be prejudicial to the recruiting service, to withdraw at this time any part of the Continental troops raised in this State, from the present station.

Resolved, That the committee upon General Schuyler's letter be directed to confer with Colonel Livingston on the subject matter of the preceding resolution.

Ordered, That the Secretary pay to Messrs. Duane or Robert Yates the sum of six pounds fourteen shillings and one penny to reimburse them the expenses attending their journey to Kingston, in Ulster county, by order of this Committee.

Ordered, That the committee appointed to inquire for accommodations for the Convention at Fishkill, be directed to report to-morrow morning.

The committee to whom was referred the despatches from General Schuyler, made a report, which was read.

Ordered, That General Scott be added to the said committee.

Captain Tuder, attending to confer with the House relative to procuring cannon for the Continental ships and other matters,

Ordered, That he be referred to the committee appointed to procure cannon.

Lancaster Burling, one of the master shipwrights, attending to confer with the House relative to the wages of the shipwrights,

Ordered, That Colonel Broome and Major Tappen be a committee, and report the same to-morrow morning.

The Committee of Safety adjourned till ten o'clock tomorrow morning.

SATURDAY MORNING,

February 8th, 1777.

The Committee met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, *Vice-President*.

Mr. Duane, Col. Lott, Col. Broome, Mr. Harper, General Scott, Mr. Jay—*New-York*.

Mr. Tappen—*Ulster*.

Mr. James Livingston—*Dutchess*.

Mr. Webster—*Charlotte*.

Mr. Stevens—*Cumberland*.

Col. Van Cortlandt, Judge Graham, Mr. Morris, Col. G. Drake—*Westchester*.

Mr. Moore, Mr. Harper, Mr. Newkerk—*Tryon*.

Major Lawrence—*Queens*.

Mr. Taylor, Col. Broome, Mr. Gansevoort, Mr. Robert Yates, Col. Livingston, Col. Van Rensselaer, Mr. Adgate—*Albany*.

Ordered, That Mr. Gansevoort and Mr. Stephens be added to the committee appointed to examine and report on the account of Samuel Patrick, deceased, for iron stoves by him made for the public use at the request of General Schuyler.

Ordered, That the Treasurer of this State pay to Robert Yates, Esqr. a member of the secret committee appointed for the purpose of obstructing the navigation of Hudson's river, the sum of £308 3*s*. 2*d*. to be accounted for by the said committee.

The committee appointed to examine into and report on the account of Samuel Patrick, deceased, for iron stoves by him made at the request of the Honble. Major-Genl. Schuyler, for the use of the army in the northern department, delivered in their report, which was read and agreed to; and thereupon,

Resolved, That in the opinion of this Committee of Safety, the charge in Mr. Patrick's account of £85 per ton is extravagant, and that £65 per ton is a reasonable price for manufacturing the said stoves.

A letter from Isaac Paris, chairman of the committee of Tryon county, dated January 22nd, relative to a miller's son, whether he ought to be exempted from the militia, was read.

Ordered, That the same be referred to the committee to whom the letter from General Herckhiemer and others, was referred.

A letter from His Excellency General Washington, dated first day of February instant, was read, and follows in the words, to wit:

"HEAD-QUARTERS,
"*Morristown, Feby.* 1, 1777.

"GENTLEMEN—The great countenance and protection shown and given to deserters by persons in the different neighbourhoods from whence they originally came, has made that vice so prevalent in the army, that unless some very effectual measures are fallen upon to prevent it, our new army will scarcely be raised before it will again dwindle and waste away from that cause alone.

"I know no remedy so effectual as for the different States immediately to pass laws, laying a very severe penalty upon those who harbour, or fail to give information against deserters, knowing them to be such; and strictly enjoining all justices of the peace and officers of militia, to keep a watchful eye over and apprehend all such persons as shall return from the army without a discharge. In order that this most salutary measure may be carried into execution, I have not only desired Congress to recommend it to the different States, but have myself wrote circular letters to them all, pressing their compliance with my request.

"Desertion must cease of course, when the offenders find that they have no shelter.

"I am, gentn. with esteem and respect,
"Yr. most obt. servant,
"GO. WASHINGTON.

"Honble. Convention of the State N. York."

Ordered, That said letter be committed to Mr. Duane, Mr. Scott, and Mr. R. R. Livingston.

WHEREAS there is at present no committee in the county of Westchester, and great mischiefs may arise therefrom in the present situation of the said county:

Resolved, therefore, That it be recommended to the freeholders and inhabitants of the said county, to meet at Bedford, within the said county, on Monday the 17th instant, and choose a committee in their said county, of twenty-five persons, as the county committee of the said county, to continue until a full establishment of a form of government for this State; and that the late chairman of the county committee do cause proper notice to be given for that purpose.

A resolution on the case of Mr. Wisner was read, and

Ordered, That the consideration thereof be postponed until there is a Convention.

A letter from Major-General Schuyler, dated the 4th day of February, instant, relative to an endorsement for ascertaining the prices of supplies for the army, was read.

Ordered, That it be committed to the committee appointed to devise ways and means to prevent the depreciation of bills of credit, and preventing the purchasing of supplies for the army at an exhorbitant price.

Mr. Platt and Judge Graham came into Committee.

A certified copy of the resolution of the committee of Albany was read, and is in the words following, to wit:

"ALBANY COMMITTEE CHAMBER,
"*29th January*, 1777.

"The Treasurer reported that he had no money in hand, and in order to discharge the pressing demands daily made, he had borrowed six hundred pounds, and that a number of accounts audited remain yet unpaid.

"*Resolved*, therefore, That the chairman draw upon the Convention of this State for two thousand pounds, to pay the said sum of six hundred pounds borrowed by the Treasurer, and to pay off the accounts yet unpaid, and also to defray the contingent charges of this county and State.

"Extracts from the minutes.
"MAT. VISSCHER, *Secy*."

A draft of the chairman of the committee of the county of Albany, was read, and is in the words following, to wit:

"ALBANY COMMITTEE CHAMBER,
"*29th Jany.* 1777.

"SIR—Please to pay to Messrs. Robert Yates, Leonard Gansevoort, Robert Van Rensselaer, John Tayler and Matthew Adgate, or either of them, two thousand pounds, and charge the same to this county.

"By order.
"JOHN BARCLAY, *Chairman*.

"To the President of the Convention
of the State of New-York."

A motion was then made and seconded that this Commitee direct a compliance with the said draft, and order the Treasurer to pay the same.

Debates arose thereon; and after some time spent therein, the following questions were put:

Whether on this application, money shall be lent to the committee of Albany? Agreed in the affirmative.

Mr. Duane and Mr. Wm. Harper dissenting.

The question was then put, whether the sum to be lent should be two thousand pounds. Agreed in the affirmative. Whereupon,

Resolved and Ordered, That the Treasurer of this State, advance to Messrs. Robert Yates, Leonard Gansevoort, Robert Van Rensselaer, John Tayler and Matthew Adgate, or either of them, the sum of two thousand pounds, for the use of the county of Albany; that the same be charged to the said county.

That the Deputies of Albany inform the committee of Albany that this Committee of Safety think it improper that the committee of Albany should pay the companies of rangers.

The Committee of Safety then adjourned till 10 o'clock to-morrow morning.

SUNDAY MORNING.

February 9th, 1777.

PRESENT—Pierre Van Cortlandt, Esqr. *Vice-President.*

Genl. Scott, Mr. Duane, Col. Broome, Alderman Lott—*New-York.*

Mr. Wm. Harper, Mr. Newkirk, Mr. Moore—*Tryon.*

Mr. Webster—*Charlotte.*

Col. Van Rensselaer, Mr. Taylor, Col. Livingston, Mr. Gansevoort—*Albany.*

Mr. R. R. Livingston, Mr. Jas. Livingston—*Dutchess.*

Mr. Stephens—*Cumberland.*

Col. Van Cortlandt, Judge Graham, Mr. Morris—*Westchester.*

Mr. Wisner—*Orange.*

General Scott, from the committee to whom was referred the several despatches from General Schuyler, relating to the reinforcement of the garrison, of grain in the northern part of this State, and the dangerous communication between the two armies of the enemy, by the intervention of John Brandt, an Indian, made the following report, which was agreed to, to wit:

That from the said despatches, it appears necessary to put it in General Schuyler's power, 1st. To send a considerable force to reinforce the abovementioned garrison. 2ndly. To assist the General in procuring provisions for our northern army. 3dly. To provide for the apprehension of Joseph Brandt.

As to the first, the Committee submit the following resolutions, to wit:

1st. *Resolved*, That General Schuyler be empowered to despatch one-fifth part of the militia of the several counties of Albany, Tryon, Charlotte, Gloucester and Cumberland, for reinforcement of the said garrison of Ticonderoga, whenever he shall think the same absolutely necessary; and that the said militia be discharged as soon as such necessity shall cease.

2nd. To the end that such detachments may be properly officered,

Resolved, That General Schuyler, with the assistance of the Brigadier-General of the said respective counties, select such officers, and of such rank as they shall think proper, for the most effectual command of the said detachments.

3rd. The said detachments being thus made and officered,

Resolved, That General Schuyler regiment them in such manner as he shall think proper, they being hereby put under his command.

4th. WHEREAS there is great reason to apprehend that the militia of the said counties are not armed and accoutred as the regulations for the militia of this State require:

Resolved, That such of the said militia of the said several counties who shall not, on being detached for the service aforesaid be well armed and accoutred, be supplied by impress with arms and accoutrements from the rest of the militia of the said counties respectively; that is to say, the detachment of each regiment to be armed and accoutred from the rest of the militia of such regiment, and the brigadier-general of each of the said counties, and such persons as they respectively shall authorize, for the purposes hereby directed and required, to make such impress as aforesaid.

5th. To the end that justice may be done to the persons from whom arms and accoutrements shall be so impressed as aforesaid,

Resolved, That two members, either of the general or sub-committee, with the captain of the company from and out of which impress as aforesaid shall be made, shall estimate the value of each musket or fire-arm and the accoutrements thereto belonging so impressed as aforesaid, and furnish to the owner thereof a certificate of such impress and valuation, and shall deliver the same to the captains respectively, or their officers commanding the companies of such detachments as aforesaid, who shall respectively give receipts and be responsible for the same, either by returning the said arms and accoutrements to the respective owners thereof in good condition, on paying for the same in case of loss or injury, according to such valuation as aforesaid; and in case of such payment, shall be authorized to deduct the amount thereof out of the pay of every soldier who shall thus be furnished by impress as aforesaid; provided, always that this State shall be and is hereby declared to be responsible for every inevitable loss or injury of or to such impressed arms and accoutrements as aforesaid, pursuant to such valuation as aforesaid, and the valuation of such injury by the persons authorized to make such valuations.

As to the second point: In order to the sufficient supply of provisions for the army in the northern department:

Resolved, That Major-General Schuyler be, and he is hereby authorized to take all such quantities of provisions in the several counties to the northward of the counties of Ulster and Dutchess, within this State, as have been purchased, or shall be stored, monopolized or engrossed, as he shall think necessary for the supply of the said army, and cause the same to be valued by three indifferent and substantial freeholders on oath, and pay for the same according to such valuation.

As to the third point:

Resolved, That it is the opinion of the Committee that it will be of great service to the American cause to apprehend the said Joseph Brandt, and also one Gilbert Fice, who, this Committee are informed, accompanies him; that no cost or labour should be spared to obtain that end; and that Mr. John Harper, of the county of Tryon, be recommended to General Schuyler, as a proper person to be immediately supplied with sufficient money, and with a sufficient party if necessary for that service, he being, according to good information, well acquainted at the Onoghquage castle and strongly attached to the American cause.

Ordered, That Judge Graham and Colo. Van Rensselaer, be a committee to inquire relative to the liquors and property of Captain Foular, who has gone over to the enemy.

Ordered, That Mr. Duane, Mr. R. R. Livingston and Mr. Gansevoort, be a committee to prepare the draft of a letter to Major-General Schuyler, to communicate to him the sense of the Committee on the subject referred to in his late despatches and report the same.

Mr. Duane, from the committee aforesaid, reported the draft of a letter to Major-General Schuyler, which was approved of as follows, to wit:

"SIR—Your favour of the 4th instant has been laid before the Committee of Safety, and with that of the first, duly considered. I am directed to enclose you the resolutions of the House upon the important subject to which they relate. It is with the utmost concern that we contem-

plate the prospect of drawing out the northern militia, already averse to service in this inclement season, but from the vast importance of preserving Ticonderoga; and if such guarded assurance, that nothing but urgent necessity will induce you to embrace this last resource, they have sent you with directions for that purpose."

[The rest of this letter not entered in the minutes.]

The Committee then adjourned till to-morrow morning.

MONDAY MORNING,
Feby. 10th, 1777.

The Committee of Safety met pursuant to adjournment.

PRESENT—Mr. Duane, Mr. Roosevelt, Colo. Broome, General Scott, Colonel Lott, Mr. Harper, Mr. Jay—*New-York.*

Mr. Gansevoort, Col. Van Rensselaer, Mr. Taylor, Col. Livingston, Mr. Adgate—*Albany.*

Mr. Tappen—*Ulster.*

Major Lawrence—*Queens.*

Mr. R. R. Livingston, Mr. James Livingston—*Dutchess.*

Mr. Wisner—*Orange.*

Colo. Van Cortlandt, Mr. Morris, Col. Graham, Col. Drake—*Westchester.*

Mr. Harper, Mr. Newkirk—*Tryon.*

Mr. Webster—*Charlotte.*

Mr. Stephens—*Cumberland.*

WHEREAS a message was this day sent to Mr. Moore, one of the Representatives of Tryon county, desiring his attendance, without which there would not be a sufficient number of members to form a Convention, which at this time is indispensably necessary for the public service.

Resolved, therefore, That a messenger be despatched to notify Mr. Moore, that his immediate attendance on Convention is required, and peremptorily to cause him to return accordingly.

Ordered, That messengers be immediately sent to the following members: Major Parks, Mr. Joseph Smith and Mr. Henry Schenk; and that said members do peremtorily attend the Convention without delay.

The committee, to whom was referred the consideration of ways and means to prevent the depreciation of the Continental and State currency, and to prevent extortion in furnishing supplies to the American army, delivered in their report, which was read.

Ordered, That the consideration thereof be postponed until to-morrow morning.

On motion,

Resolved, That it be, and it is hereby enjoined, on all the members of the Convention of this State, who are now in Fishkill, or the neighbourhood thereof, as also those members who are sent for, not to depart this place without leave of the said Convention, or this Committee, on pain of expulsion.

WHEREAS it has become necessary to provide the most effectual means to prevent the desertion of the troops in the service of the United States:

Resolved, therefore, That if any person in this State shall, knowingly, harbour or conceal any soldier belonging to the Continental army, without his having a furlough, or leave of absence, in writing, from his commanding officer, or neglect to inform the committee of the district wherein he resides, of the appearance of such soldier in the said district, he shall, upon due conviction before the committee of such county or district whereof the fact shall happen, forfeit for such offence the penalty of twenty pounds; to be levied on the goods and chattels, by warrant of the chairman of such committee; which warrant shall be directed to the constable of the district, or for the want of a constable, to any inhabitant thereof; and if the offender shall not have goods and chattels whereof such penalty can be levied, that then he shall suffer three months' imprisonment in the common jail of the county which such committee represent.

Resolved, That one-half of all penalties which shall be recovered by virtue of the said resolutions, shall be applied in such manner as the Convention, or future Legislature of this State, shall direct.

Resolved, That the several county and district committees of this State be and they are hereby directed and enjoined to use the utmost endeavours to cause all deserters to be apprehended and sent to the nearest jail, and to transmit notice thereof to the nearest commanding officer, or to the officer of the regiment or company to which he belongs, and an account of the expenses of such apprehension; and if it shall not be paid, the Convention will, on notice thereof, and on being furnished with the account, duly authenticated, reimburse the same to such committee.

Ordered, That the foregoing resolutions be published in the public newspapers.

WHEREAS the former building used as a guard house, near Fishkill church, is nearly demolished, and become untenable: AND WHEREAS, the guards there kept, frequently intoxicated with liquor, have heretofore committed, and continue to commit great waste by burning and destroying posts, rails and boards, and the firewood, clandestinely taken away from the houses of the inhabitants of the neighbourhood, to the great damage of the said inhabitants: AND WHEREAS, the Committee are informed that the stores placed in the Episcopal church, on pretext whereof the said guard is kept, may, with great convenience and little expense, be removed to the Continental stores near the barracks, where they would be much more effectually guarded: Therefore,

Resolved, That Colonel Chevers, or the officer having the charge of those stores, be requested to cause the stores kept in the said Episcopal church, to be removed to such store house near the barracks, as may be most convenient for him, in order that the said guard may be removed from the said guard house.

AND WHEREAS the Committee of Safety have been informed, that the troops in the barracks, for want of a proper supply of firewood, have greatly impaired the value of, and nearly destroyed the farms adjoining the same, by destroying the fences:

Resolved, That the commanding officer at this post be requested to give such orders as may effectually prevent injuring or destroying the fences in this precinct, by the troops, and cause the barracks to be supplied, from time to time, by such agent or agents of the quarter-master-general, whose duty it may be, with sufficient quantities of firewood.

Ordered, That the Treasurer of this State pay unto Captain Elias Haasbrook, of the Ulster county rangers, the sum of two hundred and twenty-eight pounds nineteen shillings and two pence, in full for the pay, and the sum of one hundred and fifty pounds and ten pence, in full for subsistence of his company, from the first day of Novr. 1776, to the last day of January, 1777, both days included; and also the further sum of thirty pounds for bounty money for the said company, agreeable to his pay and subsistence rolls and an account of the said bounty money; the whole of which are sworn to by him and audited by the committee for auditing accounts, and reported this day.

The committee appointed to confer with Mr. John Harper, messenger from the chiefs of the Ocoghquaga Indians, on the subject of the message from those Indians to Convention, reported:

"That the said chiefs complain that they have not been paid for certain lands in Tryon county, purchased from them by George Croghan for the use of the late General Bridsport, having for the consideration accepted Croghan's note. That the said lands have since been patented to others, under the great seal of New-York.

"That they further complain that surveys have been made of their lands without their consent. And they entreat the Convention to interpose their authority, that justice may be obtained and the minds of the Indians quieted. And,

"*Resolved*, That a messenger be sent by the Convention to the said Indians, assuring them that this State is seriously disposed at all times to do them the utmost justice, and to prevent any of the inhabitants from injuring them in their persons or possessions, and to promote the most friendly and cordial intercourse between the Indians and the other inhabitants of this State.

"That it gives them concern that Croghan has abused their confidence and deceived them, as he has many other subjects of this State, by getting greatly in debt and then privately removing out of its jurisdiction. That they will, however, use all the means in their power to procure payment for them.

"That with respect to the lands of the said Indians which have been surveyed without their consent of sale, they be assured that no such survey can affect or prejudice their right. That if any settlement shall be attempted, the Convention, on complaint, will cause the intruders to be removed."

Resolved, That a committee be appointed to inquire and report the best ways and means for managing the Indian affairs of this State, and that Mr. Duane and Mr. Morris be the committee.

Resolved, That Mrs. Cunningham, the wife of James Cunningham, a cooper, now with the enemy, have a pass to go to the city of New-York, to her husband, with her three children, she being first duly sworn before the President or Vice-President not to communicate or convey any intelligence by word or writing, or carry any letters or papers but such as shall be first produced and shown to this Committee.

Nathan Pearce, Esquire, chairman of the committee of Pauling's precinct, in Dutchess county, informed the Committee of Safety (through a member) that the committee of Pauling's precinct have employed a guard of twenty men to apprehend tories, &c. to which they are indebted; also, that they are indebted for the maintenance of a stranger with the small pox, for which a regular account shall be produced; that the committee of Pauling's precinct requests that they may make use of so much moneys of the fines lately collected as will defray the above mentioned expenses, proper accounts whereof shall also be produced. Thereupon,

Resolved, That the chairman of the committee of Pauling's precinct account for all public moneys in his hands, and after deducting reasonable expenses of the committee, pay the balance to the Treasurer or Vice-Treasurer of this State.

The Committee of Safety then adjourned until to-morrow morning.

TUESDAY MORNING,
February 11*th*, 1777.

The Convention met.

PRESENT—Colonel Van Cortlandt, *Vice-President*.

Mr. Duane, Col. Lott, Col. Broome, Mr. Roosevelt, Genl. Scott, Mr Harper—*New-York*.

Mr. Jas. Livingston, Major Schenk, Captn. Platt, Mr. R. R. Livingston—*Dutchess*.

Mr. Moore, Mr. Newkirk, Mr. Harper—*Tryon*.

Mr. Wisner—*Orange*.

Mr. Webster—*Charlotte*.

Col. Van Rensselaer, Mr. Gansevoort, Mr. Taylor, Col. Livingston, Mr. Adgate—*Albany*.

Mr. Morris, Col. Drake, Col. Van Cortlandt, Judge Graham, Mr. Mills—*Westchester*.

Major Tappen—*Ulster*.

Mr. Stephens—*Cumberland*.

Major Lawrence—*Queens*.

WHEREAS Gilbert Drake, Esqr. being indebted by bond in about £75 principal to William Lownsbury, one of the persons concerned in spiking the cannon at King's Bridge, and who afterwards joined the enemy and was slain, was by a resolution of the late Provincial Congress, passed on the 2nd day of May last, directed to withhold payment of the said money until further orders; and the said Gilbert Drake having applied to Convention for leave to deposit the said money into the Treasury of this State, and it being reasonable he should be relieved from the risk of keeping the said money:

Resolved, therefore, That the Vice-Treasurer of this State be authorized to receive the said money from the said Gilbert Drake, and to pass a receipt for the same to him, which receipt shall operate as a full discharge of the said bond, both in law and equity; and the said money being deposited in the treasury, shall be applied in such manner as the Convention or a future Legislature shall direct; provided, that no suit shall be brought for the said money within three years, before some court of law or equity within this State. In case any such suit shall be brought, that it be defended by the Treasurer at the expense of this State.

Mr. Morris moved the following resolution:

Resolved, That the members of Convention who may from time to time attend the said Convention or the Committee of Safety, do not depart without leave of the House or the Committee of Safety on pain of expulsion.

Col. Livingston moved for the following amendment: "Unless they leave a representation of their county."

Debates arose, and a question put, it was carried in the negative as follows, to wit:

For the Amendment.		*Against the Amendment.*	
New-York,	8	Albany,	6
Dutchess,	5	Tryon,	3
Westchester,	4	Mr. Harper dissents.	

Mr. R. R. Livingston moved the following amendment: Strike out the words, "of expulsion," and instead thereof insert, "being sent for and brought back by the sergeant-at-arms at the charge of such members, and reprimanded by the President in such manner as the House shall direct; and that the constituents of the delinquent be made acquainted with his neglect."

The amendment being read was agreed to.

The original motion being read with the amendment as agreed to, and the question being put thereon, was unanimously agreed to, which is as follows, to wit:

"*Resolved*, That the members of Convention who may from time to time attend the said Convention or the Committee of Safety, do not depart without leave of the House or the Committee of Safety, on pain of being sent for by the sergeant-at-arms, at the charge of such member, and reprimanded by the President in such manner as the House shall direct, and that the constituents of the delinquent be made acquainted with his neglect."

Ordered, That the Treasurer of this State pay unto Jacobus Van Wack the sum of £3 15*s*. for boarding a sick man and for the expense of burying him, on his decease, by order of the committee appointed to provide for the poor.

Colonel Livingston moved that the Convention will adjourn from this place.

Debates arose, and the question being put, was carried in the affirmative, as follows:

For the Affirmative.		*For the Negative.*	
Albany,	6	Westchester,	4
New-York,	8	Tryon,	3
	14		7

Dutchess divided.

Mr. Gansevoort moved that this Convention will adjourn to meet at Kingston, in Ulster county, on the nineteenth instant.

Mr. Wisner moved that the words "Goshen in Orange county," be inserted instead of the words "Kingston in Ulster county." Debates arose thereon, and the question being put on the amendment, it was carried in the negative.

The question was then put on Mr. Gansevoort's motion, and carried in the affirmative.

Mr. Duane then moved for the following preamble and resolution:

WHEREAS the many great and momentous affairs now under consideration of Convention, have occasioned a call of the House, and require the advice and assistance of all its members, and this village being too small to afford proper accommodations for the Convention and those who have business with the public:

Resolved, therefore, That this Convention will adjourn from this place to Kingston, in Ulster county, to meet on the nineteenth instant, and all the members of Convention are peremptorily required to give their attendance accordingly.

The same being read and the question put thereon, it was carried in the affirmative, General Scott dissenting to the preamble.

Ordered, That the aforegoing preamble and resolution be published.

Ordered, That the members present do write letters to the committees of their respective counties, enclosing copies of the above resolution, and inform them that it is the intention of the House as soon as they meet in Kingston, to proceed to the business of forming a plan of government, requesting them to notify the members thereof, and requesting their attendance.

Ordered, That the clothing committee be requested to recommend a proper person to Convention to-morrow morning, as commissary of clothing.

Mr. Livingston, to whom was referred a letter from Mr. Alexander Wallace to Governeur Morris, Esquire, on the subject of Hugh Wallace, Esqr.'s plate and effects, taken by order of General Heath, at Hackensack, delivered in their report of the committee, which was read and postponed for further consideration.

Colonel Lott has leave of absence and to meet the Convention at Kingston.

WHEREAS the many important affairs now before Convention will require the advice and assistance of all its members:

Resolved, therefore, That the committee for inquiring into, detecting and defeating all conspiracies which may be formed in this State against the liberties of America be dissolved on or before the 27th day of this instant; that Egbert Benson, Jacobus Swartwourt and Melancton Smith, Esqrs. be appointed commissioners for inquiring into, detecting and defeating conspiracies which may be formed in this State against the liberties of America; that they shall respectively be allowed 12*s*. for every day they shall serve in the said trust; that the before mentioned committee prepare the draft of a commission and instruction for the said commissioners and report the same with all convenient speed.

Ordered, That the committee appointed to provide cannon for the frigates built at Poughkeepsie, have leave of absence to attend the said business, and to meet the Convention at Kingston as soon as possible.

Ordered, That the committee appointed to establish an armoury at this place, be requested to recommend a proper person to take charge of that business.

Mr. Dunscomb arrived into Convention after the aforegoing business was done.

Mr. Wisner, Senr. one of the members, represented to Convention that he stands indebted to Oliver Delancy, now commanding a brigade in the actual service of the enemy, and to David Johnson, Esquire, in the sum of £1,260, principal money, on which there is an arrear of interest; which money is secured to be paid by his bond to them jointly and a mortgage on certain lands in the county of Ulster; that he is ready and desirous to discharge the said debt and requests the direction of this House concerning the moiety thereof belonging to the said Oliver Delancy.

Resolved, therefore, That Mr. Wisner be at liberty to pay one moiety of the said debt to Mr. Johnson; and that he lodge the other half in the Treasury of this State, to attend the future disposition of the Convention or Legislature thereof; and that upon producing Mr. Johnson's receipt and the Treasurer's certificate of such payment and deposit, and lodge the same with the Secretary of this Convention, the said bond and mortgage shall be null and void. Provided, the signing of the said receipt shall be proved by at least one witness on oath, to be administered by the President or Vice-President of this Convention, or in the recess thereof, by the Chairman of the Committee of Safety.

A letter from Edward Dunscomb, son of Daniel Dunscomb, who is now in prison in New-York, was delivered into Convention and read. He therein sets forth his long confinement; that others taken prisoners long since him, have been exchanged, and therefore requests the interposition of Congress that an exchange may be effected for him.

Ordered, That the subject of the said letter be referred to General Scott and Mr. Dunscomb.

Ordered, That the Treasurer of this State, advance to Robert Harper, Esquire, the sum of £500, for the use of the committee appointed to procure clothing for the troops raising in this State.

Resolved, That Colonel Broome be appointed agent of the privateer sloop Montgomerie, belonging to this State, and that he be authorized to fit her out in case of her return, and take the charge of her prizes, if she shall meet with success, and to cause the same to be disposed of; and this Convention engage the public faith, to reimburse the money which he shall expend in the premises.

Mr. Duane reported the draft of a letter to the Indian chiefs residing at Oncoghquaga, which was read and approved of, and is in the words following, to wit:

"BROTHERS—Your message by John Harper, has been delivered to the Representatives of this State, in their great council, at Fishkill. We thank you for your kind salutations, and assure you that the great council of this State is sincerely disposed to do you every kind of justice and kindness in their power to prevent any injury to your persons or possessions, and to promote the most friendly and cordial friendship between all the Indians and the other inhabitants of this State.

"It gives us real concern that George Croghan has abused your confidence and defrauded you of the money due on his note of hand. He has treated many other subjects of this State in the same manner; first, running greatly in their debt, and then privately remaining out of its jurisdiction. The great council will, however, when the important business which at present engages all their attention shall admit, endeavour to secure your debt.

"Brothers—The great council will never suffer you to be defrauded of your lands, but will severely punish all who attempt it; and you may safely depend on our protection. Be not therefore disquieted, if any person has been so imprudent as to survey your lands without your consent for sale; such survey cannot prejudice your right. If a settlement should be attempted, the great council, on your complaint, will order the intruder to be removed.

"Brothers—We are not unmindful of your wants or your former request for ammunition; we shall always be pleased when it is in our power, to assist you; and we now send you 100 weight of powder, which you will accept as a proof of our sincerity and regard.

"Brothers—Rely on our justice, protection and friendship. Farewell.

"Given in the great council of the State of New-York, and signed

"By order of Convention.

"*Fishkill, February 11th, 1777.*"

Resolved, That one hundred weight of gunpowder be presented to the Indians residing at Oncoghquaga and its neighbourhood, in the county of Tryon; and that Mr. John R. Livingston be requested to deliver that quantity to Mr. John Harper, out of the powder at his works belonging to this State.

Mr. Broome has leave of absence for three weeks, (months.)

Colo. Livingston has the like leave till the Convention meet at Kingston.

Mr. Wisner has leave of absence for one day.

Mr. Duane has leave of absence for one day, to inquire the boundaries of this State.

Adjourned.

WEDNESDAY MORNING,
February 12th, 1777.

The Committee of Safety met.

PRESENT—Col. Van Cortlandt, *Vice-President.*

Mr. Harper, General Scott, Mr. Dunscomb—*New-York.*

Mr. H. Schenk, Mr. James Livingston, Mr. Sacket—*Dutchess.*

Mr. Tappen—*Ulster.*

Mr. Stevens—*Cumberland.*

Mr. Webster—*Charlotte.*

Mr. Adgate, Mr. Gansevoort, Mr. Taylor—*Albany.*

Mr. Moore, Mr. Newkirk, Mr. Harper—*Tryon.*

Major Lawrence—*Queens.*

Mr. Wisner—*Orange.*

Ordered, That the Treasurer of this State pay unto Henry Schenk, Esqr. the sum of one pound, to reimburse him for the expenses of removing 11 boxes of types, belonging to Hugh Gaine, from the landing of the Continental store; and the sum of two pounds, eight shillings, for so much by him paid to an express to General Washington, as per his account, audited and reported by the committee.

Ordered, That Mr. Loudon be directed to send 1,000 copies of the Crisis, No. 2, to this Committee, and that it be enjoined on the members to send a proportion of them to their respective counties, to be distributed among the inhabitants.

Mr. Gansevoort moved "that Gerard Bancker, Esqr. Vice-Treasurer of this State, be directed to remove, between this and the nineteenth instant, the treasury and papers belonging to this State, to Kingston, in the county of Ulster."

Debates arose thereon, and the question being put it was carried in the negative.

Mr. Wisner informed the Committee that sundry inhabitants of part of Orange county are gone over to the enemy, leaving behind them their stock, hay, grain, and other effects. Thereupon,

Ordered, That Mr. Wisner be a committee to devise ways and means to secure the property of sundry persons, of the county of Orange, who are gone over to the enemy, and that he report the same as soon as possible.

General Scott (in behalf of Mr. Sacket) informed the Committee that Mr. Sacket is employed by His Excellency General Washington, to execute some public business, for defraying the expense whereof Mr. Sacket produced an order from his said Excellency, on the Paymaster-General to the army of the United States of America, which is in the words following, to wit:

"500 dollars.

"Pay to Mr. Nathaniel Sacket five hundred dollars, to be accounted for with me; and this shall be your sufficient warrant.

"Given under my hand, at Morris Town, this fourth day of February, 1777.

"GO. WASHINGTON.

"By His Excellency's command.

"TENCH TILGHMAN.

"To WILLIAM PALFREY, Esqr. Paymaster-General to the Army of the United States of America."

General Scott further informed the Committee that the Paymaster-General being absent when Mr. Sacket left Head-Quarters, payment on the said order could not be procured, and that the business to which Mr. Sacket is appointed as aforesaid is of a very urgent nature, and therefore moved that the money be advanced Mr. Sacket, on the credit of the said order, out of the treasury of this State. Thereupon,

Ordered, That the Treasurer of this State advance to Nathaniel Sacket, Esquire, on the credit and account of His Excellency General Washington's order for five hundred dollars, on the Paymaster-General of the army of the United States of America, in favour of Mr. Sacket, dated the fourth day of Feby. 1777, the sum of five hundred dollars, and that the Treasurer take Mr. Sacket's endorsement on the said order, making the same payable to the Treasurer of this State for the use thereof.

A letter from His Excellency General Washington, dated at Morris Town, February 8th, 1777, was read and filed, and is as follows, to wit:

"HEAD-QUARTERS,
"*Morris Town, Feby. 8th*, 1777.

"SIR—Yesterday honoured me with your two favours of the 22d and 23d ulto. Had the success that was reasonably expected from the expedition undertaken by General Heath attended our arms, I had flattering hopes of congratulating my country on the happy event of circumscribing her unnatural foes within narrow limits, and a fair prospect of retarding their early operations in the next campaign, till we are completely ready to meet and effectually to oppose them.

"I beg that you would do me the justice to believe that I had no other view in mentioning the detention of some of the Continental clothing by your State, than a sincere wish to deprive others of the smallest right to charge me with a predilection in your favour; though my inclination might have led me to devote an unusual share of attention to your circumstances, yet it is necessary for me to exercise in every instance, an impartial justice. Mr. Hughs was mistaken, when he mentioned to one of your members that a part of those goods were to be left at Peekskill; from the first, I intended that they should be delivered into the hands of Mr. Mease the clothier-general who has my orders to distribute them among the States, having just regard to their numbers, situation and circumstances. He is now at this place on that business; and will, when made up, deliver them to the regiments as they want them.

"I should be unhappy in the belief that any part of my letters to you could be construed into the slightest hint that you want to interfere in the military line: Heaven knows that I want the aid of every great man, and that there are not such enviable pleasures attending my situation, as to make me too jealous of its prerogatives. Rather than complain of your late effort in the military way, you deserve the thanks of us all; and I feel myself happy in this opportunity of returning you mine, in the greatest truth and sincerity.

"I am not without my apprehensions for the safety of the fortress of Ticonderoga, and have therefore wrote to N. Hampshire and the Bay, to forward their new troops to that place with all possible despatch. From the accounts I receive of the success that attends the recruiting service in those States, I have reason to expect that garrison will, in a short time, be in a respectable state of defence.

"I am sorry that experience has too fully proved that General Howe has every species of intelligence he can wish for, and cannot therefore suppress my just indignation at the extraordinary request made by Mr. Loring, his commissary pris'r, that the Canada gents. should have a safe pass through our country; our assistance in returning home I hope they would not doubt, could prudence justify us in indulging them with an opportunity of making every discovery they could with relation to our situation. You are therefore perfectly right in refusing him.

"Every thing in the clothing line passes through the hands of Mr. Mease; with him you will please to correspond on that subject.

"Nothing material has happened lately. The enemy's want of forage compels them to send out large parties to secure it; these are always beat in with some loss. Their draft and artillery horses die fast; and now that I have brought all the useful ones from their neighbourhood, I think they will meet with much difficulty in advancing.

"I am, sir, your most obt. servant,

"GO. WASHINGTON.

"Hon. Jas. Livingston, Esqr."

A memorial of Captain James Stewart, relative to the pay of Allen Grant, a soldier who was taken prisoner on New-York island, has been exchanged, and is now returned to his company, was read.

Ordered, That Major Lawrence and Mr. Webster be a committee to consider and report thereon.

A letter from Lewis McDonald, chairman of the committee of Bedford in Westchester county, relative to a company of rangers raised in Westchester county by Captain Gray, and relative to sundry resolutions of the said committee, and contained in the said letter, was received and read.

Ordered, That Major Tappen, Mr. Adgate and Mr. Mills, be a committee to consider and report thereon.

Mr. William Harper moved, and was seconded, that every member of Convention, who have departed without leave of the Convention or Committee, be sent for at their own expense, respectively, by the sergeant-at-arms.

The question being put thereon, it was carried in the negative.

A remonstrance of the sub-committee of the manor of Cortlandt, dated the 5th instant, relative to the conduct of Peter Come in purchasing wheat, suspected to be intended for the use of the enemy, was read.

Colonel Drake gave parol information to the same purpose.

Ordered, That the said remonstrance and parol information, be committed to Col. Drake, Mr. Lawrence and Mr. Dunscomb.

Major Schenk presented an account—sales of five horses and sundry saddles, and other things, amounting to £80, with a bill of expenses amounting to £22, leaving a balance of £68.

Ordered, That the said balance be paid to the Vice-Treasurer.

A letter from Captain William Rodgers, dated at Baltimore, on the 17th January, relative to prizes by him brought into that port and libelled, was read. The copies of the papers of the said vessels, therewith enclosed, were also read.

Ordered, That they be delivered to Mr. Robert Harper and Major Lawrence, as a committee, to report thereon.

Adjourned.

THURSDAY MORNING.

February 13th, 1777.

Present—Colonel Van Cortlandt, *Vice-President*.

Mr. Roosevelt, Mr. Dunscomb—*New-York*.

Judge Graham, Mr. Mills, Col. Drake, Mr. Paulding—*Westchester*.

Mr. Harper, Mr. Newkirk—*Tryon*.

Mr. Taylor, Mr. Gansevoort, Mr. Adgate—*Albany*.

Mr. Tappen—*Ulster*.

Major Lawrence—*Queens*.

Mr. Webster—*Charlotte*.

Mr. Jas. Livingston, Mr. H. Schenk—*Dutchess*.

Col. Sherwood—*Orange*.

Mr. Stevens—*Cumberland*.

An account of Phebe Couling, for the board of Mr. Douglass and his wife, was read; and also the petition of Wm. Douglass, praying that some provision may be made for his maintenance.

Referred to Mr. Henry Schenk and Mr. Dunscomb.

Ordered, That the Treasurer of this State advance to Gilbert Schenk, Esqr. chairman of the committee of Rombout's precinct, in Dutchess county, the sum of £300, to enable the said committee to discharge sundry debts already contracted, and which may be by them contracted, in supporting sundry poor inhabitants of New-York, pursuant to the order of Convention; and that the said committee be accountable for the expenditure thereof, to the Convention or future Legislature of this State.

The committee to whom was referred the letter from Captain Rogers, of the sloop of war Montgomerie, and the papers relative to vessels captured by him, reported:

"That as they are not informed of any suitable person to appoint as agent for that business in Baltimore, it is their opinion that a letter be wrote to our Delegates in Continental Congress now there, to appoint some suitable person for that purpose, to act for this State, and in assisting Captain Rogers in fitting out the vessel for another cruise."

Which report was read and approved.

The same committee also reported a draft of a letter to the Delegates of this Colony in Continental Congress, and another to Captain Rodgers, which were approved of, as follows, to wit:

"Gentlemen—We have received from Captain William Rodgers, of the sloop of war Montgomery, belonging to this State, a letter informing us of his arrival in Baltimore, in company with a brig and schooner, prizes taken by him, which are now libelled in the Court of Admiralty of that State, which letters accompanies copies of her register and sundry certificates and papers found on board said brig, all of which appears to us to carry the strongest evidence of said brig and her cargo being the property of the subjects of the King of Great Britain; notwithstanding which, from Captain Rogers' letters it appears he entains doubts of the vessel and cargo being condemned. We would therefore beg leave to request you, gentlemen, to give Captain Rogers every assistance in your power in endeavoring to have said brig condemned, and likewise to appoint some suitable person as agent for this State, to assist Captain Rogers in the sale of said prizes, and in fitting said sloop for another cruise as soon as possible. You will be pleased to order two-thirds of the quantity of each of the articles mentioned in the enclosed list, to be purchased at all events for the use of this State; and in case the remaining $\frac{1}{3}$ part should sell at a moderate price, we would be glad to have them likewise purchased for our accounts; all of which articles are extremely scarce here, and from information may be transported to De Peau's farm, on the Delaware, within forty miles of New-Windsor, on the North river, the greatest part of the way by water.

"We are, &c.

"To the Hon. Francis Lewis and Lewis Morris, Esqrs. Delegates for the State of New-York, Baltimore."

The list of articles referred to in the preceding letter is as follows, to wit:

"The barley, raisins, cordage and hawser, crosscut saws, shoes, woollens, linens, Osnaburgs, canvass, lampblack, mustard, spices, twine, nails, salt."

The draft of a letter to Captain Rodgers was as follows, to wit:

"Sir—We received your favour of 27th ultimo, enclosing a copy of Captain Wilkenson's receipt for sundry goods shipped on board the schooner Hannah, and accompanying sundry papers found on board the brigantine Minerva, John Winning master; both of said vessels you informs us you have libelled in the Court of Admiralty, and for which you have our approbation. We cannot, from those papers enclosed to us, conceive any substantial reason can be offered why the brigantine and cargo should not be condemned; notwithstanding we have wrote to Messrs. Francis, Lewis and Lewis Morris, our Representatives, (and such other gentlemen as are there in the representation of us,) now in Continental Congress, to whom we refer you for

advice, who will give you all the aid in their power. We have requested those gentlemen to appoint an agent to transact the business for this State, and assist you in forwarding the fitting out of the sloop for another cruise, which we would recommend you would proceed upon as soon as possible.

"We are, &c.

"To Captain Wm. Rodgers,
of the sloop Montgomerie."

Ordered, That the Treasurer of this State advance to Major Jonathan Lawrence, on the account and credit of Queens county the sum of fifty pounds, and that Major Lawrence account with the said county for the same, on a settlement for his services as a Deputy for said county in the Convention of this State, and give his receipt for the same.

General Scott, agreeable to order, reported a draft of a letter to His Excellency General Washington, on the subject of exchanging Captain Van Dyck and others, prisoners at New-York, which was read and approved, and is as follows, to wit:

"In Committee of Safety,
"*At Fishkill, Febry.* 13*th*, 1777.

"Sir—The Committee of Safety beg leave to request your attention to the exchange of certain prisoners of war belonging to this State, viz. Major Hetfield, Captain Van Dyck, Lieutenant Dunscomb and Adjutant Hogland, who all belonged to General Scott's brigade. The major was taken at the unfortunate attempt on Montresser's island; the captain in the retreat from New-York on the fifteenth of September; and the lieutenant and adjutant at Long island, so long ago as the 27th August. While we are thus soliciting your Excellency in behalf of those unfortunate gentlemen, we do not mean to insinuate the least suspicion of an inattention to their case at Head-Quarters; on the contrary, the Committee of Safety are well convinced of your equitable design of negociating exchanges with a reference to the respective ranks of the prisoners, and the respective times of their captivity. That we have reason to believe, as we are informed that many who were captured at Fort Washington have already been exchanged, and as we know the political characters of the four unfortunate gentlemen above mentioned must render them peculiarly obnoxious to the enemy, that the order of exchange has been in some measure evaded contrary to your intention, and that many who have had the art of insinuating themselves into the favour of the enemy's commissary of prisoners have been indulged with an undue preference. The gentlemen we have mentioned are all men of real merit, and the continuance of their inprisonment is a public loss. We therefore entreat your friendly aid and interposition that justice may be done them.

"We are, sir, with great respect and esteem,
"Your Excellency's most obedient servants.
"By order of the Committee.

"His Excellency General Washington."

Ordered, That a copy thereof be engrossed, and signed by the Vice-President, and transmitted.

The committee to whom was referred the remonstrance of the sub-committee of manor of Cortlandt, relative to Peter Come and others, disaffected, purchasing wheat, &c. reported in the words following, to wit:

"*Resolved*, That no person or persons whatsoever residing within the county of Westchester, shall be permitted to purchase or manufacture any wheat, flour, pork, beef and other produce, (excepting such and so much as may be necessarily required for the use of their respectiee families,) unless such person or persons shall previous to such purchase or manufacture have taken the following oath: [Oath omitted.]

Ordered, That a certified copy of the foregoing resolution be sent to the chairman of Westchester county, who is directed to furnish the chairman of the sub-committee in the said county with copies thereof; and they are directed to cause the same to be published in their respective districts without delay.

Ordered, That the Treasurer of this State advance to Captain Samuel Tudor, the sum of £1000, to defray the expenses of procuring and cutting timber for a 74 gun ship, pursuant to an order of this Committee, and that the Treasurer pay the said money to Mr. Alexander Leach Miller, to be by him conveyed and delivered to the said Captain Samuel Tudor, and take Mr. Miller's receipt on behalf of Mr. Tudor, to be accountable for the same.

A certificate from Col. Isaac Swartwout, relative to a chest of tools taken into the public service by Jacob King, a soldier in Captain Stephen Duryee's company, and which was lost; also a letter from Jeremiah Jones and Jacob King, on the same subject, were read and committed to Mr. Adgate and Mr. Taylor.

The committee on the letter from the committee of Bedford in Westchester county, and sundry resolutions of said committee, delivered in their report, which was read and recommitted.

Adjourned until the afternoon.

Thursday Afternoon, *Febry.* 13*th*, 1777.

The Committee of Safety met.

Present—Col. Van Cortlandt, *Vice-President.*
Mr. Scott, Mr. Dunscomb—*New-York.*
Colo. Drake, Mr. Mills, Col. Van Cortlandt—*Westchester.*
Mr. Harper, Mr. Newkirk—*Tryon.*
Mr. Lawrence—*Queens.*
Mr. Gansevoort, Mr. Taylor, Mr. Adgate—*Albany.*
Mr. James Livingston, Mr. Henry Schenk, Major Landon—*Dutchess.*
Mr. Tappen—*Ulster.*
Col. Sherwood—*Orange.*
Mr. Stephens—*Cumberland.*

An account of John H. Sleght, amounting to £4, for his trouble, &c. to be audited.

A letter from His Excellency General Washington, dated at Morris Town, on the tenth inst. relative to inoculating such soldiers in the Continental army as have not had the small pox, was read.

Resolved and Ordered, That Colonel Drake and Mr. Paulding be a committee to confer with General McDougall or the commanding officer at Peekskill, on the subject of the said letter, and jointly with him appoint a proper place for inoculating such of the Continental troops as have not had the small pox, and to determine the number to be inoculated at one time, and the number of days to be between the inoculation of each party.

The committee to whom was referred the account of Phebe S. Couling, and the memorial of William Douglass, reported:

"That on examination and inquiry, they find the said Douglass to be a very poor indigent man, with a wife and one child at her breast; that the said Douglass has lost one of his arms whilst engaged in the Continental service, but not being possessed with the resolution of Congress, making provision for their wounded soldiers, beg leave to report the following resolution:

"*Resolved*, That the committee of Rombout precinct be directed to take William Douglass with his wife and child under their care and make provision for them in like manner as they use for the poor removed from New-York into their precinct, for which the Convention or Committee of Safety will make provision for payment."

Ordered, That Captain James Weeks, who was authorized and directed to provide quarters for the said William Douglass and his wife, be furnished with an order of the Committee on the Treasurer for the sum of £12 12*s.* for fourteen weeks' board and subsistence of said William Douglass and his wife.

Ordered, That the Secretaries transmit a copy of this resolution to the chairman of the committee of Rombout's

precinct, and direct the said Douglass to apply to that committee for his support.

The said resolution and report being considered, were agreed to.

A letter from William Duer, Esqr. dated at Cromwells, on the 6th inst. recommending Mr. Joseph Hunt for protection, and provision to be made for him and his family as a reward for his zeal and late essential services to his country, and some compensation for his being obliged to leave his farm and mills on that account, was read.

General Scott gave satisfactory information to the Committee of the good services of the said Joseph Hunt.

Ordered, That the said Joseph Hunt be directed and permitted to take possession of some part of the dwelling houses and buildings on the farm lately occupied by Thomas Barclay at Walkill; and that he have the use of so much of the said farm, farm houses and out houses as may be necessary for the convenient lodging and support of his family, until further order of the Convention or Legislature of this State; and that Fowler permit the said Joseph Hunt, to have possession of part of the said farm and houses. And

Resolved, That the Convention of this State will defray the expense of the removal of the said Joseph Hunt with his family and effects from Westchester county to Walkill aforesaid.

The Committee of Safety then adjourned till to-morrow morning.

FRIDAY MORNING.

Feby. 14*th*, 1777.

The Committee met.

PRESENT—Col. Van Cortlandt, *Vice-President.*
Mr. Dunscomb, Genl. Scott, Mr. Roosevelt, Mr. Harper—*New-York.*
Mr. Gansevoort, Mr. Taylor, Mr. Adgate—*Albany.*
Mr. Harper, Mr. Newkirk—*Tryon.*
Mr. Schenk, Major Landon—*Dutchess.*
Col. Van Cortlandt, Mr. Mills—*Westchester.*
Mr. Tappen—*Ulster.*
Col. Sherwood—*Orange.*
Mr. Webster—*Charlotte.*
Mr. Stephens—*Cumberland.*

WHEREAS it appears to this Committee of Safety, by the solemn affirmation of Joseph Hunt, one of the people called Quakers, who at the peril of his life, has done signal service to the American cause; that the troops under General Sullivan's command, on their removal from Westchester county, took from him thirty sheep; and also two horses were impressed from him for the removal of Colonel Sergeant's regiment; and that by the valuation made by the said Joseph Hunt, the price of the said sheep is fixed at eighteen pounds, and that of the said horses at twenty-seven pounds, which this Committee of Safety conceive to be a reasonable valuation.

Resolved, therefore, That it is the opinion of this Committee of Safety that the Commissary-General of the Continental army, ought to pay the said Joseph Hunt for the said sheep at the aforesaid valuation; and that the Quarter-Master-General of the said army ought to pay him for the said horses according to the above valuation.

Ordered, That Major Tappen be added to the committee appointed to establish an armoury at this place.

The armoury committee reported "That they have hired and fitted up a shop in this place; that they have purchased tools and materials, and employed sundry workmen; among others one James Kip, whom your committee have appointed to superintend the said works until a certain William Allen shall arrive, for whom they have wrote for the purpose of superintending the said works; that the said James Kip is gone to the State of New-Jersey for his tools and materials, and cannot possibly return for some days; wherefore the committee do recommend James Cooper of this place, blacksmith, to superintend the said works until the arrival of the said James Kip or William Allen, or either of them, to the charge of the said works; that the said committee have been at considerable expense in establishing the said works and purchasing materials, and therefore request an order on the treasury for one hundred pounds, for which they will be accountable."

The same being read, was agreed to and confirmed.

Ordered, That the Treasurer of this State advance to William Harper, Esqr. the sum of one hundred pounds for the use of the committee appointed to establish an armoury at or near this place, and take his receipt to be accountable for the expenditure of the same.

The clothing committee being directed to nominate a person to take charge of the clothing store of this State, recommend Mr. John Henry as qualified for that purpose. Therefore,

Resolved, That the said John Henry be, and he is hereby appointed chief director, or commissary of the clothing store of this State, and that he be allowed a salary of ten shillings per day.

Resolved, also, That Cornelius Cregier, who has been employed as an assistant in the said store from its commencement to this time, and has exerted himself with fidelity and assiduity therein, be continued as such, with the pay of eight shillings per day.

The Committee of Safety then adjourned until 4 o'clock this afternoon.

DIE VENERIS, 4 *ho. P. M. February* 14*th*, 1777.

The Committee of Safety met pursuant to adjournment.

PREESENT—Pierre Van Cortlandt, *Vice-President.*
General Lott, Mr. Dunscomb—*New-York.*
Major Lawrence—*Queens.*
Mr. Wm. Harper, Mr. Newkerk—*Tryon.*
Mr. Adgate, Mr. Taylor, Mr. Gansevoort—*Albany.*
Mr. Mills, Col. Van Cortlandt—*Westchester.*
Mr. Landon—*Dutchess.*
Major Tappen, Major Parks—*Ulster.*
Col. Sherwood, Mr. Wisner—*Orange.*
Major Webster—*Charlotte.*
Mr. Stevens—*Cumberland.*

The committee to whom was referred a letter from the committee of Bedford, dated the 7th day of February, brought in their report, which was read; being read a second time, a motion was made by Mr. Webster, and seconded, that the said report, with the papers attending the same, lie upon the table for the further consideration of the members.

Debates arose thereon, and it was carried in the negative, in the manner following, to wit:

For the negative.	*For the affirmative.*
Mr. Adgate,	General Scott,
Mr. Taylor,	Major Webster,
Mr. Wm. Harper,	Mr. Gansevoort,
Mr. Newkerk,	Mr. Stevens,
Mr. Dunscomb,	Mr. Tappen,
Col. Sherwood,	Mr. Landon.
Mr. Mills	

Adjourned.

KINGSTON,

February, 19*th*, 1777.

The Committee of Safety met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr.
Mr. Phil. Livingston, Mr. Van Zandt—*New-York.*
Mr. Tappen—*Ulster.*
Mr. Gansevoort, Mr. Tayler—*Albany.*
Mr. Newkerk—*Tryon.*

No other members appeared.

A letter from General G. Clinton, dated at New-Windsor, on the 14th instant, informing the Committee that pursuant to the resolve of the Convention, he has raised 500 men, in the counties of Orange and Ulster, but as a great part of the militia of Dutchess and Westchester are lately returned home, he is of opinion that the five hundred men apportioned to these counties cannot be raised as volunteers, and recommending that the commandants of the militia in each county, should have their proportion, was read.

The Committee of Safety then adjourned until ten o'clock to-morrow morning.

SATURDAY, 10 HO. A. M.
February 20th, 1777.

The Committee of Safety met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, *Vice-President.*
Mr. Van Zandt, Mr. P. Livingston—*New-York.*
Mr. Morris—*Westchester.*
Mr. Gansevoort, Mr. Taylor, Mr. Adgate—*Albany.*
Major Webster—*Charlotte.*
Mr. Tappen, Major Parks, Genl. Clinton—*Ulster.*
Mr. R. R. Livingston—*Dutchess.*

A letter from General Schuyler, dated the 15th instant, communicating his arrangements for the reinforcing and defending Ticonderoga, and mentioning that he has been addressed by the Oneidas in favour of Joseph Brandt, was read.

A copy of a letter from Colonel Wayne to General Schuyler, dated at Ticonderoga the 13th instant, and therein stating the movements and distribution of the enemy's forces in Canada and Lake Champlain, was read.

The Committee then adjourned till 4 o'clock this afternoon.

4 o'clock, P. M. February 20th, 1777.

The Committee of Safety met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *Vice-President.*
Mr. Van Zandt—*New-York.*
Mr. Adgate, Mr. Taylor, Mr. Gansevoort—*Albany.*
Mr. Harper—*Tryon.*
Major Tappen, Major Parks, General Clinton—*Ulster.*
Major Webster—*Charlotte.*
Mr. Stevens—*Cumberland.*

A letter from Major-General Schuyler, dated the 15th instant, received this morning, was again read.

A copy of Col. Wayne's letter to Major-General Schuyler, dated at Ticonderoga the 13th instant, was also again read.

Ordered to lie on the table for the consideration of the Convention.

A letter from William Duer, Esqr. chairman of the committee of Convention in Westchester county, dated at Cornwalls on the 17th instant, was read, and follows in these words, to wit:

"*Cornwalls, February* 17, 1777.

"SIRS—I am directed by the committee of Convention now in this county, to transmit to you sundry copies of letters which have passed betwixt them, General Heath and General Wooster; from which you will see how immediate a necessity there is for sending a proper force into the lower parts of this county, under the command of an active and vigilant officer; unless it is the intention of the State to abandon this quarter to the enemy, and to sacrifice those who have stood firm in their country's cause in the worst of times.

"After General Heath's precipitate retreat from King's Bridge, General Washington gave him orders to send off the main body of his army into the Jerseys, excepting what force was necessary for covering the foraging parties, and directing him to consult with Mr. Duer, one of our members, and other persons acquainted with the country, concerning the number of men which would be necessary for that purpose, and the disposition to be made of them. On this subject the letters marked No. 1 and 8 passed between this committee and General Heath and Genl. Wooster, by which you will observe, that notwithstanding General Heath's assurances and their recommendations, the whole force left in the lower parts of this county (since the dismission of the militia from Rhinebeck, who according to our promise, have been dismissed at the expiration of a month's service) will not exceed, in the course of this week, 900 men; Colonel Humphreys not having 150 men with him, and Captain Delavan's company, at present, not exceeding 70 men; out of this force a guard is to be left at the Saw Pits and another at the magazine at Wright's mill, exclusive of necessary guards, &c.; so that your Honourable Body will easily see that we have by no means a force sufficient for executing the two purposes recommended in our letter to General Heath, No. , much less to cut off the communication with the enemy betwixt Ward's and the North river. You will observe by a letter from Mr. M. Leavenworth, Adjutant-General to General Wooster, to Col. Humphreys, that the original intention of General Wooster was, to persist in the old mode of retreating. This order Colonel Humphreys communicated to us, in consequence of which the committee waited on General Wooster and fixed on the disposition mentioned in his letter to us, Feby. 15.

"It does not correspond with our ideas, yet it is the utmost we could obtain, and might answer on the whole tolerably well, provided we could supply the chasm betwixt Ward's house and the North river, which is left open by the removal of General Lincoln's division. We have directed a company of rangers, under the command of Captain Delavan, an active officer, to scout in the interval last mentioned; and have ordered another company to be raised under the command of Samuel Townsend; he is an officer who has distinguished himself as a partisan, but we are afraid will not be able to fill his company so as to do timely service.

"We have therefore earnestly to request that the Honourable Convention will be pleased to devise ways and means of sending a body of six or seven hundred men, under the command of an active officer, into this county. It is of the utmost consequence that a reinforcement should be immediately sent; without it, we shall not be long able to maintain our post here, but be obliged to retreat, abandoning to the enemy a vast quantity of forage, cattle and grain; and leaving our friends, who have taken the oath of allegiance to the State, a sacrifice to a cruel enemy, unless they fly with us, and leave their whole behind them.

"These, sir, are considerations which surely deserve the attention of the Legislature. To these arguments, another may be added, which as much concerns the interests of the State, as the other considerations affect its honour and dignity; and that is, the preservation of the effects of persons who have fled to or joined the enemy you may be assured cannot be effected but by means of the York forces; should we employ the forces of Connecticut in this service, we have too much reason to think that individuals, and not of this State, would receive the benefit of these fortunes, exclusively of the wide field which would be left open to them of plundering our friends under the mask of the authority of this committee. Could some of the Continental troops, now at Fishkill, be sent into the lower parts of this county, five hundred of them will do more service than eight hundred militia, were it only for the difference in officers; for none but those who have seen, can tell what miserable animals they in general are.

"As Colonel Humphries has been much disappointed in the number of men he expected, we have requested him to

proceed immediately to Dutchess county, and to exert himself in sending down what force he can possibly collect. He will leave his regiment under the command of Colonel Van Rensselaer, and the Committee will request Major Fisk to stay here, as he is an officer whose abilities and alertness renders him extremely useful.

"We shall likewise endeavour, if possible, to get Colonel Thomas to collect some volunteers from his militia; but this, even if obtained, will be but a small and short lived reinforcement. At all events, some means must be adopted for enabling us to extend our posts to the North river, as the enemy have got information of our present weakness.

"On Wednesday night last, a party of rangers, with two regular officers, penetrated as far as Norwalk, a place about thirteen miles from Peekskill, from which many have joined the enemy, and which is infected with tories of the most abandoned species. We are apprehensive that some design is forming amongst them to destroy our magazine of forage at Wright's mills, for which reason we applied to General Wooster to strengthen the guard, and have also recommended it to Genl. McDougall to keep a company, under the command of a good partisan officer, in that quarter. Through this district an open communication has been for some time kept up between the enemy and the disaffected in Dutchess county. We have, likewise, on the application of Mr. Duer, gave it as our opinion, that he should take, for the use of the post at Peekskill, which is greatly distressed, all the hay, wheat and forage which was necessary for the same. Without this step the post at that place can never be maintained with forage, unless we appropriate all the teams we have here in order to supply it, the consequences of which would inevitably be, that no magazines of forage could be laid up in the spring. In bringing forage from Dutchess county, the cartage is so high and the roads so bad, that by the time the teams arrive at Peekskill, one-half of the hay they bring is wasted or consumed. Another consideration has induced us to give him this oipnion; that is, we are confident the demand for forage in the spring will be so great as would probably oblige us to impress from our friends in Dutchess county. We, therefore, thought it best to endeavour to obviate it by impressing it from our inveterate enemies, in a quarter of the county which will probably be the seat of war, and is most exposed to the depredations of the enemy.

"The members of committee now in this county, exercise authority in consequence of the Convention of the 19th December; but as many of the members, in consequence of a call of the House, are absent, a quorum is not left, and consequently we are reduced either to the necessity of remaining inactive, or of doing matters for which we are not, strictly speaking, authorized. The political situation of this county is such, that we have thought best to do the latter, choosing rather to submit our conduct to your judgment than to forbear exerting ourselves in measures which we deem essential to the public safety.

"As Mr. Hobart leaves to day, Mr. Duer and Mr. Tomkins will be the only members left. We have, therefore, to request that your Honourable Body will immediately vest the power of foraging, and that of securing the personal estates of persons in this county, who have fled to or joined the enemy, in commissioners. Should you approve of this mode, we would, with submission, recommend for that purpose John Thomas, Jnr. chairman of this county, Col. Saml. Drake, Mr. Stephen Ward, William Millar, Nathaniel Hyall, Junr. and Israel Honeywell.

"We have just received intelligence that three of the enemy's armed vessels have come up as far as Tarry Town, where they have dropt anchor; they are either sent up to make a feint on the right, whilst an attempt is made to surprise our advanced post at Ward's, or they are come up in order to carry down stock and grain.

"We shall exert ourselves to defeat either of those purposes; yet, of the number of men we have, little can be effected. For intelligence we must refer you to Mr. Hobart.

"Am, sir, with great respect,
"Your obt. humb. servant,
"By order,
"W. DUER.

"To the Hon. the President of the
Convention of the State of New-York."

No 1. A copy of the letter of the said committee to General Heath, requesting a guard of 1,200 men, to forage, dated 6th instant.

2. A copy of a letter from General Heath, respecting the disposition of the troops in Westchester county, dated 7th February.

3. General Heath's letter respecting the number of troops necessary to forage, dated 9th inst.

4. A copy of a letter from Genl. Heath, respecting the number of troops necessary to forage with, dated 10th instant.

5. A copy of General Heath's letter, dated 11th February, that General Wooster would advise with the Committee on the disposition of troops.

6. Copy of a letter from Major Levenworth, by order of General Wooster, to Colonel Humphrey, in substance, that he need not send out any parties to forage without his directions.

7. A letter from the committee in Westchester to Col. Humphrey and Major Fisk, dated the 14th February. A letter from the Committee to Major-General Wooster, dated the 13th inst. relative to the disposition of the troops in Westchester county; and a copy of the answer of Colonel Corns. Humphreys and Major Fish, to the letter of the Committee of the 14th inst.

8. A letter of General Wooster to the Committee, of the disposition of the troops, dated the 5th inst.

A letter from William Duer, Esqr. to Pierre Van Cortlandt, Mr. Duane, Mr. Morris, &c. relative to the state of foraging, &c. in Westchester county, was also read.

Ordered, That all the said letters and papers be referred to Mr. Tayler, Mr. Livingston and Mr. Morris to report thereon.

The Committee then adjourned until to-morrow morning.

FRIDAY MORNING,
February 21st, 1777.

The Commitee met pursuant to adjournment.

PRESENT—Cornelius Cortlandt, *Vice-Prest.*

Major Van Zandt, Captain Rutgers, Mr. Dunscomb, Mr. P. Livingston—*New-York.*

Mr. Adgate, Mr. Gansevoort, Mr. Tayler—*Albany.*

Mr. Tappen, Genl. Clinton—*Ulster.*

Mr. Harper, Mr. Newkerk—*Tryon.*

Mr. Webster—*Charlotte.*

Col. Cortlandt, Mr. Morris—*Westchester.*

Mr. R. R. Livingston—*Dutchess.*

Mr. Stephens—*Cumberland.*

Captain Van Bueren attending, produced a letter directed to him, and signed by Morgan Lewis, deputy quartermaster-general, and dated at Albany, 18th inst. directing Mr. Van Bueren to proceed to Poughkeepsie and engage the shipwrights who were employed in building the ships there, to come up to Albany with the utmost despatch, for the purpose of building five vessels on Lake George.

As those carpenters are now employed by order of the Committee of Safety of this State, in cutting and procuring timber for a 74 gun ship, Captain Van Bueren requests the aid of the Convention in the premises.

Resolved, That the application of Capt. Van Bueren be committed to Captain Rutgers, Mr. Paulding and Mr. Gansevoort.

The Committee then adjourned till 4 o'oclock this afternoon.

4 o'clock P. M. Friday, Feby. 21, 1777.

The Committee met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esq. *Vice-Prest.*

Mr. Phil. Livingston, Major Van Zandt, Mr. Dunscomb, Captain Rutgers—*New-York.*

Mr. Wm. Harper, Mr. Newkirk—*Tryon.*

Majr. Webster—*Charlotte.*

Major Laurence—*Queens.*

Mr. Adgate, Mr. Gansevoort, Mr. Tayler—*Albany.*

Genl. Clinton, Major Tappen—*Ulster.*

Mr. R. R. Livingston—*Dutchess.*

Mr. Stevens—*Cumberland.*

A letter from General George Clinton, dated at New-Windsor, February 14th, and an inventory of sundry effects taken from disaffected persons, handed in by Major Taylor, assistant quarter-master-general, were read and committed to Major Lawrence and Major Tappen.

The committee to whom was referred the application of Captain Van Bueren, relative to the shipwrights, delivered their report which was amended, and agreed to the two following resolutions:

1st. *Resolved,* That Captain Leonard Van Bueren be permitted to engage any of the master builders, foremen and shipwrights now in the employ of the Convention of this State, leaving one master builder and as many shipwrights as may be necessary to complete the Continental frigates, Congress and Montgomerie to go up to the northward agreeable to his directions from Colo. Morgan Lewis, deputy quarter-master-general.

2nd. *Resolved,* That Messrs. Burling, Scason and Miller be informed that it is with the approbation of this Committee that they and the shipwrights should engage with Colonel Morgan Lewis, deputy quarter-master-general or his agent, to go to the northward, for the purpose of building vessels intended to be built on Lake George; and that this Committee doubt not that the Convention or future Legislature of this State, will devise means for employing them till the above work is completed.

Brigadier-General George Clinton, informed the Committee that a large sum of money is due for iron purchased for carrying on the obstructions in Hudson river near Pollepel's island, and that Captain Bedlow the paymaster there, has nearly expended the cash formerly advanced to him for that purpose. Thereupon,

Resolved, That £2,000 be advanced to Captain Bedlow, to enable him to pay for materials and defray the wages of the workmen employed in obstructing the navigation of Hudson's river at Pollepel's island. And

Ordered, That the Vice-Treasurer deliver that sum to Brigadier-General George Clinton, to be by him conveyed and delivered to Captain Bedlow.

The memorial of Stephen Hogeboom, dated the 3rd instant, on behalf of himself and others, owners of the sloop Middlesex, therein said to be lost in the Continental service, was read.

The affidavit of Joseph Miller relative to the loss of the said sloop, sworn to before Richard Esselstyal, Esqr. was also read.

Ordered, That the said memorial and affidavit be returned to Stephen Hoogeboom, and that he be informed that he ought to apply to the Quarter-Master-General of the army of the United States, on the subject of the said memorial.

The committee to whom was referred the letters and papers therewith enclosed, from the committee of the Convention in Westchester county, reported a set of resolutions which was read, and being again read by paragraphs, was postponed till to-morrow.

The Committee then adjourned till to-morrow morning.

SATURDAY MORNING,

Feby. 22nd, 1777.

The Committee met pursuant to adjourment.

PRESENT—Col. Pierre Van Cortlandt, *Vice-President.*

Capt. Rutgers, Major Van Zandt, Mr. Dunscomb—*New-York.*

Mr. Harper, Mr. Newkirk—*Tryon.*

Mr. Tayler, Mr. Gansevoort, Mr. Adgate—*Albany.*

Mr. R. R. Livingston—*Dutchess.*

Major Lawrence—*Queens.*

Mr. Morris—*Westchester.*

Mr. Tappen—*Ulster.*

Major Webster—*Charlotte.*

Mr. Stevens—*Cumberland.*

Ordered, That Mr. Morris be added to the committee appointed to prepare a resolution directing a day of fasting and prayer within this State.

Resolved, That the Revd. Mr. Samuel Provost be appointed chaplain to the Convention of this State, and that he be requested to attend to perform prayers every morning and divine service every Sunday before the Convention or Committee of Safety at this place.

Ordered, That the committee appointed to prepare a resolution for a day of fasting and prayer, be directed to wait on Mr. Provost with a copy of the aforegoing resolve.

Messrs. John Beekman and William Thorne, a committee from the general committee of the county of Albany, attending, were admitted, and produced an extract of the proceedings of the said committee, directing them to repair to the Convention and make application for a salutary resolve to prevent the depreciation of the paper currency.

The said gentlemen were informed that a report has been on the table for some time, waiting for a Convention, but that this Committee will immediately proceed to the consideration of the same.

A letter from John Barclay, Esqr. chairman of the committee of the city and county of Albany, dated the 13th February instant, was read.

Ordered, That the said letter lie on the table for the inspection of the members, and that it be taken up and considered with the report respecting the rangers of this State.

A letter from Robert Boyd, Esqr. chairman of the committee of the county of Ulster, dated New-Paltz, 8th Jany. 1777, enclosing a copy of the proclamation of Lord Howe, of the 30th November, was read.

Ordered, That the said letter and proclamation be enclosed in a blank paper to the commissioners appointed by the Convention of this State for inquiring into, detecting and defeating conspiracies.

A letter from Ezekiel Chever, dated Fishkill, Feby. 19th, was read.

Ordered, That Mr. Morris prepare a draft of a letter in answer.

A draft of a letter to Mr. Chevers, in answer to his, was accordingly reported, read and agreed to, and is as follows:

"*Kingston, Febry. 22nd,* 1777.

"SIR—We have received your letter of the 19th instant, in answer to which, we would inform you that the Convention are too deeply engaged in the business committed to them by their constituents, to interfere unnecessarily in that which is out of their department; wherefore they doubt not you will exert yourself on the occasion, as that matter referred to them seems to be rather in your department than theirs. They would, however, inform you that an armoury is established at Fishkill, at which all our artificers are collected, and who will be ready to assist you as far as lies in their power.

"The musket ball belonging to this State would be but

a very scanty supply to the Continental army, and is absolutely necessary for the State. As the Convention are of opinion that there is no great difficulty in casting leaden bullets, and are informed by you that you have lead enough for the purpose, they earnestly recommend it to you to employ some persons in that business, not doubting but that by that means a proper supply may be obtained.

"We are, &c.

"Ezekiel Chevers, Esqr. Commander of Artillery, or in his absence, to Mr. Ruddock."

Ordered, That a copy thereof be engrossed, and signed by the Vice-President, and transmitted.

The committee to whom was referred the letters received from the secret committee in the county of Westchester, reported the following resolutions and letter:

WHEREAS the business now before the Convention renders the presence of their members absolutely necessary: AND WHEREAS the purposes for which a committee was appointed and directed to repair to the county of Westchester, are not yet fully answered, whereby it becomes necessary to appoint commissioners to take upon them the direction of such operations as it may be expedient to carry on in the county of Westchester: Therefore,

Resolved, That John Thomas, Junr. Esquire, Col. Samuel Drake, Stephen Ward, William Millar, Nathanl. Hyatt, Junr. and Israel Honeywell, Esquires, be appointed commissioners to superintend the removal of grain, forage, cattle, and whatever else may be of use to our army, or may be exposed to the depredations of the enemy; that any two of the said commissioners, with their chairman, be a quorum, and empowered to make such representation to the officer commanding at Peekskill, as will, in their opinion, tend most to the security of the inhabitants of the county of Westchester, and to assist such of them as may be inclined to remove their families into the more interior part of the country.

AND WHEREAS a number of the subjects of this State, inhabitants of the county of Westchester, have gone over to the enemy:

Resolved, That the above commissioners be empowered to seize upon the personal property of such of the late inhabitants of the county of Westchester as have gone over to the enemy, and to dispose of the same at public sale or vendue, having first given due notice thereof; and to retain the money arising from such sale till the further order of this Convention, or future Legislature of this State, after having paid thereout the necessary expense of such seizure.

Resolved, That the said commissioners shall be allowed one dollar a day while actually employed in this service.

Resolved, That the said commissioners confer with the Committee of Convention now in Westchester, about the most effectual means to carry the preceding resolutions into execution.

Resolved, That the said commissioners do not destroy any forage, unless where there is an absolute impracticability of bringing it off, and the prospect of its being useful to the enemy.

Which report and letter being read and accepted, was ordered to be copied and transmitted.

Adjourned to Monday morning.

MONDAY MORNING,

Feby. 24, 1777.

The Committee of Safety met pursuant to adjournment.

PRESENT—Brigr. Genl. Abm. Ten Broeck, *Prest.*

Capt. Rutgers, Major Van Zandt, Mr. Beekman, Mr. Dunscomb—*For New-York.*

Mr. Webster—*For Charlotte.*

Genl. Ten Broeck, Mr. Cuyler, Mr. Adgate, Mr. Ten Broeck—*For Albany.*

Col. Van Cortlandt—*For Westchester.*

Major Tappen—*For Ulster.*

Mr. Harper—*For Tryon.*

Mr. Stevens—*For Cumberland.*

Major Webster has leave of absence for a fortnight from the time of his departure.

The committee to whom was referred the letter from General George Clinton, and the list of sundry articles taken by the militia of his brigade, delivered in by Major Taylor, reported on the same, in the words following:

"That as 500 of the men ordered to be raised by the Convention on the day of January, 1777, out of the militia of the counties of Dutchess and Westchester, as a part of one thousand men, to be commanded by General Geo. Clinton, were prevented from being embodied by a subsequent order for marching the militia of those counties on an expedition in Westchester county; and that although the said militia are now discharged, yet the time limited for service under General George Clinton, will so soon expire, that your committee are of opinion it will not tend to the public good to attempt raising any more men than the companies already raised in the county of Westchester.

"As to the articles mentioned in the said list to have been taken by General Clinton's militia, your committee are of opinion that they should be disposed of in the following manner, to wit: The medicines, marked 'Army' in the said list, that is to say, the oil of juniper, spirits volatile, salt of tartar, and hogshead of herbs, should be ordered to this place, to the care of the Secretaries; and that they be appraised, in order that the same may be disposed of by the Convention to the troops of this State, as occasion may require. Those articles not marked in the said list, your committee are of opinion that General Clinton should be requested to have them sold at public auction, (except the back-gammon table, which the General is requested to order to be destroyed,) and except the iron chest, hereafter mentioned; and that the moneys arising from such sales be paid into the hands of the Vice-Treasurer of this State; that the iron chest left in charge of Col. Hay, Genl. Clinton should be requested to send to this place, to be disposed of by Convention.

"The steel, your committee are of opinion should be appraised and sent to the armoury at the Fishkill; that the 20 old tory guns should be also appraised and sent to the armoury at Fishkill, to be repaired.

"That the other articles marked 'Continental stores,' your committee are of opinion they belong to the Continent, and that this Convention ought not to dispose of them.

"The hogshead of tea mentioned in the said list, your committee are of opinion that it should be lodged with the Secretaries, to be disposed of by the direction of Convention, for the use of the sick troops of this State. The other tea disposed of by Cols. Allison and Hawthorn, your committee are of opinion that they ought to account for to this Convention, and pay the amount thereof to the Vice-Treasurer of this State.

"That the wheat, rye, two cows and six horses, your committee are of opinion ought to be sold to the Commissary-General of the Continental army, or his agents; and that such of them as the Commissary shall not want, be sold at public auction, and that the moneys arising from such sale be deposited in the treasury of this State.

"The fifteen horses taken with Zabriskie, Duremus and Ryder, your committee are of opinion, that if the said persons shall be found guilty before the commissioners for detecting conspiracies, by whom they are to be tried, that in that case the said commissioners be directed to dispose of the said horses to the Quarter-Master-General, or his agents; and that such of them as the said Quarter-Master-General, or his agents, shall not want, be sold at public vendue, and that the moneys arising from such sale, be deposited in the treasury of this State."

Resolved, That this Committee of Safety do agree with their committee in their said report; and that General George Clinton and the commissioners for detecting and

defeating all conspiracies, &c. be furnished with copies, and requested to cause the same to be carried into execution.

Ordered, That Mr. Ten Broeck be added to the committee for auditing accounts.

Mr. William Miller, of Westchester county, attending, produced sundry accounts for service of the militia of said county, for sundry disbursements in supporting some of the indigent inhabitants of New-York.

Ordered, That the said account be referred to the committee of accounts.

Capt. Andrew Bevier attending, informed the Committee that he has apprehended two suspected men at Rochester, with two horses, and that by order of the committee of Rochester, he has brought them, with their horses, to this place, and waits the order of this Committee in the premises.

Ordered, That Mr. Cuyler and Mr. Harper be a committee to examine and inquire into this matter, and report to-morrow morning.

Adjourned till to-morrow morning, 10 o'clock.

TUESDAY MORNING,

Feb. 25, 1777.

The Committee of Safety met pursuant to adjourment.

PRESENT—Brig. Genl. Abm. Ten Broeck, *Prest.*

Mr. Phil. Livingston, Major Van Zandt, Mr. Beekman, Mr. Dunscomb, Capt. Rutgers—*For New-York.*

Mr. Webster—*For Charlotte.*

Mr. Harper, Mr. Newkirk—*Tryon.*

Mr. Cuyler, Genl. Ten Broeck, Mr. Adgate, Mr. Gansevoort, Mr. Taylor—*For Albany.*

Mr. Stevens—*For Cumberland.*

Mr. Parks, Mr. Tappen—*Ulster.*

Mr R. R. Livingston—*Dutchess.*

Col. Van Cortlandt, Mr. Morris—*Westchester.*

A letter from Genl. George Clinton, dated New Windsor, the 23d inst. enclosing a copy of a letter from Genl. Washington to him, dated the 19th inst. were read, and committed to Major Parks, Mr. Wm. Harper and Mr. Adgate.

The petition of Zebulon Scofield, an invalid matross of the royal regiment of artillery, praying permission to go to New-York to receive his pension, was read, and committed to Mr. Van Zandt and Mr. Beekman.

"The committee to whom was referred a certain paper under the hand of Jacob Hornbeck, chairman of the committee of Rochester, as well as two papers, called passes, to James Smith and James Acton, and signed John Gee, report that they have examined the said two passes, and are clearly of opinion that they are both counterfeited. That they have, from the examination of said James Smith and James Acton, the greatest reason to believe that they are both deserters from the army of the United States of America, and in all probability, have stolen the two horses, &c. found with them. Your committee, therefore, are of opinion that the said James Smith and James Acton be detained in the jail of Kingston, and that Capt. Bavier be directed to take the said two horses, saddles and bridles, in his care, and deliver to Jacob Hornbeck, Esqr. at Rochester, who is to be directed to keep and maintain the said horses, as well as to advertise and describe the persons of James Smith and James Acton, together the horses, saddles and bridles, in Loudon's and the Pennsylvania newspapers, and to take such other method as he may think proper, to advertise the public of the same. Your committee are also of opinion that the said Mr. Hornbeck be directed to detain the aforesaid horses, &c. until the owner or owners thereof prove their property, with paying all the charges that have accrued in apprehending and securing the said men, and keeping the said horses."

Resolved, That this Committee of Safety do agree with their committee in their said report; and

Ordered, That a copy of the same be transmitted to Jacob Hornbeck, Esqr.

The petition of Malcom Morrison, confined in Kingston jail as a disaffected person, praying to be released from confinement, was read.

Ordered, That the commissioners appointed for the purpose of detecting and defeating all conspiracies, &c. be directed to transmit to this Committee or the Convention of this State, so much of the minutes of the proceedings of the committee appointed for the purpose of detecting, &c. all conspiracies, &c. as relates to the case of the said Malcom Morrison.

The petition of Wm. Eligh, confined in Kingston jail as a disaffected person, praying to be released from confinement, was read.

Ordered, That the said petition be referred to the committee of Ulster county, and that they be requested to report their determination in the premises.

A petition of James Robinson and seven others, confined in Kingston jail as disaffected persons, and directed to the Honourable the Deputies of the Province of New-York, in Provincial Congress assembled, was received, and ordered to be returned to the petitioners; and that they be informed of the mistake in the direction.

Ordered, That messengers be sent for the following members, with a request that they give their attendance without delay, to wit: all the members of the committee for detecting conspiracies. Mr. James Livingston, Mr. John Schenk, Mr. Gilbert Livingston, Judge Graham, Mr. Landon, Genl. Scott, Mr. Roosevelt, and the Orange county members.

Matthew Adgate, Alexr. Webster and Benjamin Newkerk, the committee for auditing accounts, reported on an account of William Millar, deputy chairman of the committee of Westchester county, for maintaining a number of the poor of the city of New-York, therein named; that there was due thereon to the said William Millar, the sum of £418 13*s.* 6½*d.*

The Committee of Safety agreed with the auditors therein.

Ordered, That the Vice-Treasurer pay to the said William Miller, the sum of £418 13*s.* 6½*d.* on his receipt in full, on his account.

The said committee of auditors reported on the account of John Thomas, Junr. Esquire, for keeping 23 poor persons, and marked No. 2; that there be allowed to him the sum of £176 9*s.* 1¾*d.*

The Committee of Safety agreed with the auditors therein.

Ordered, That the Vice-Treasurer pay to the said John Thomas, Junr. Esquire, or to his order, £176 9*s.* 1¾*d.* on a receipt in full for the said account.

The said committee of auditors reported on the accounts of Hendrick Bancker, for keeping seventeen of the poor persons therein said to be removed from New-York, (and marked No. 3;) that they are of opinion that there be allowed for the said two accounts one hundred and thirty-two pounds fourteen shillings.

The Committee of Safety agreed with the auditors therein.

Ordered, That the Vice-Treasurer of this State, pay to the said Hendrick Bancker or his order, the sum of one hundered and thirty-two pounds fourteen shillings, on his receipt in full for the said account.

The committee of auditors reported on the account of Israel Honeywell for keeping seven poor persons, (and marked No. 4;) that they allow for the said account the sum of forty-eight pounds sixteen shillings.

The Committee of Safety agreed with the auditors therein.

Ordered, That the Vice-Treasurer of this State pay to

the said Israel Honeywell or his order, the sum of forty-eight pounds sixteen shillings, in full for the said account, taking a receipt for the same.

The committee of auditors reported on the account of Ezekiel Halsted, for providing for fifty-one poor persons, (and marked No. 5;) that they are of opinion that there be allowed thereon, the sum of twenty-one pounds sixteen shillings and four pence.

The Committee of Safety agreed with the auditors therein.

Ordered, That the Vice-Treasurer of this State, pay to the said Ezekiel Halsted or his order, the sum of twenty-one pounds sixteen shillings and four pence, in full for the said account, taking a receipt for the same.

The committee of auditors reported on the account of Jonathan Budd, as allowed by the committee of the county of Westchester and charged on the back of the account, No. 5, that they allow for the same the sum of five pounds.

The Committee of Safety agreed with the auditors.

Ordered, That the Vice-Treasurer of this State pay to the said Jonathan Budd, or his order, the sum of five pounds, in full for the said account, taking a receipt for the same.

The committee of auditors reported on the account of Jeremiah Fowler against Joshua Hetfield and Benjamin Lyon, for work done and materials found in repairing the jail in Westchester county in July, 1776, that they allowed for the same the sum of twenty-one pounds two shillings and six pence.

The Committee of Safety agreed with the auditors therein.

Ordered, That the Vice-Treasurer of this State pay to the said Jeremiah Fowler, or his order, the said sum of twenty-one pounds two shillings and six pence, on a receipt in full for the said sum, and charge that money to the county of Westchester.

The committee of auditors reported on the account of John Drake, for work done and materials found in repairing the jail in Westchester county, in August, 1776, that they allowed for the same the sum of three pounds ten shillings and nine pence.

The Committee of Safety agreed with the auditors therein.

Ordered, That the Vice-Treasurer of this State pay to the said John Drake, or his order, the sum of three pounds ten shillings and nine pence, on a receipt in full for the said account, and that he charge that money to the county of Westchester.

TUESDAY AFTERNOON, *February* 25, 1777,

The Committee of Safety met pursuant to adjournment.

PRESENT—Brig. Genl. Abm. Ten Broeck, *Prest.*

Mr. Phil. Livingston, Mr. Beekman, Major Van Zandt, Mr. Dunscomb, Capt. Rutgers—*For New-York.*

Major Tappen, Major Parks—*For Ulster.*

Major Webster—*Charlotte.*

Genl. Ten Broeck, Mr. Cuyler, Mr. Gansevoort, Mr. Taylor, Mr. Adgate, Col. Van Rensselaer—*For Albany.*

Mr. R. R. Livingston—*For Dutchess.*

Mr. Stevens—*Cumberland.*

Mr. Morris, Col. Van Cortlandt—*Westchester.*

Mr. Harper, Mr. Newkerk—*Tryon.*

Mr. Robt. R. Livingston informed the Committee of Safety that he had been sent for by the committee of this place, who informed him that some time since, four men by the names of Cumins, Crookshanks, Thompson and Dennis, passed through this place, and that they have reasons to suppose they went to New-York, and that they are since returned.

A letter from Col. Levi Paulding to Lieut. Daniel Graham, and the information of James Grigg on the subject, were read.

Ordered, That the said information and letter be referred to Mr. R. R. Livingston, Mr. Cuyler and Major Tappan, and that they be vested with full powers to take to their assistance and employ such persons as may be necessary for apprehending the said persons.

WEDNESDAY MORNING.

February 26th, 1777.

The Committee of Safety met pursuant to adjournment.

PRESENT—Brigr. Genl. Ten Broeck, *President.*

Mr. Phil. Livingston, Mr. Dunscomb, Capt. Rutgers, Maj. Van Zandt—*For New-York.*

Col. Van Cortlandt, Mr. Morris—*For Westchester.*

Genl. Ten Broeck, Mr. Cuyler, Col. Van Rensselaer, Mr. Gansevoort, Mr. Taylor, Mr. Adgate, Mr. Ten Broeck—*For Albany.*

Maj. Tappen, Maj. Parks—*For Ulster.*

Mr R. R. Livingston—*For Dutchess.*

Mr. Stevens—*For Cumberland.*

Mr. Harper, Mr. Newkerk—*For Tryon.*

Resolved, That Mr. Taylor and Mr. Cuyler do forthwith repair to Genl. George Clinton, and confer with him upon his force for defending the passes committed to his care; that they do then proceed to wait upon Genl. James Clinton, and enquire into the state of the forts and garrisons in the Highlands; that they do then repair to Genl. McDougall's quarters, and inform themselves of the number and duty of the forces now in the county of Westchester, and suggest to him the propriety of reinforcing those garrisons with as many men as can be spared of those now under his command, with all possible speed; and afterwards wait upon his Excellency, General Washington, with the intelligence they may have acquired.

Ordered, That Mr. Morris, Mr. Phil. Livingston and Mr. Robert R. Livingston be a committee to draft and report a set of instructions for Mr. Taylor and Mr. Cuyler.

Resolved, That the committee appointed to devise ways and means for procuring cannon, be dissolved; and

Resolved, That Robert Boyd, Junr. and Samuel Brewster, Esquires, be appointed commissioners to proceed to the Forest of Dean, and inquire into the state of that furnace, &c. and report the terms on which the same can be employed by this State; and whether, in their opinion, it will be proper to take and employ the same in the casting of cannon, shot, &c. and also the name of a proper person to superintend the works.

Resolved, That the company of rangers commanded by Capt. Jacob Rutzen De Witt be and they are hereby put under the command and direction of General George Clinton, until the further order of the Convention or Committee of Safety of this State.

Resolved, That Capt. Isaac Belknap's company of rangers be and they hereby are placed under the command of General George Clinton, until the further order of the Convention or Committee of Safety of this State; and

Resolved, That the last above resolution do not take effect without the consent of the commissioners appointed by the Convention of this State for detecting and defeating conspiracies, &c. and that a letter be written informing them of these resolutions.

Resolved, That every non-commissioned officer or private in either of the companies of rangers, who shall enlist in any one of the Continental regiments commanded by Colonels Van Cortlandt, Gansevoort, Van Schaick, H. B. Livingston, or Dubois, shall, upon being sworn, be discharged from such company of rangers, and be permitted to join the regiment in which he has so enlisted.

Resolved, That no officer of any of the ranging companies within this State, be permitted to recruit any more men.

THURSDAY MORNING.

February 27th, 1777.

The Committee of Safety met pursuant to adjournment.

PRESENT—Brig. Genl. Ten Broeck, *President.*

Mr. Phil. Livingston, Mr. Dunscomb, Maj. Van Zandt, Capt. Rutgers—*For New-York.*

Mr. R. R. Livingston—*For Dutchess.*

Mr. Harper—*For Tryon.*

Genl. Ten Broeck, Mr. Cuyler, Mr. Taylor, Mr. Ten Broeck, Mr. Adgate, Mr. Gansevoort—*For Albany.*

Mr. Morris—*For Westchester.*

Mr. Stevens—*For Cumberland.*

Mr. Hobart—*For Suffolk.*

Mr. Ray, Maj. Parks, Mr. Tappan—*For Ulster.*

Mr. Wisner—*For Orange.*

A letter from General George Clinton, dated New-Windsor, Feby. 25th, enclosing the proceedings and sentence of a general court martial on the case of Saml. Knap; a letter from Jesse Woodhull, president of said court martial, to General Clinton, and a petition of the members of said court, praying that the said Knap, who is sentenced to suffer death, may be pardoned, were respectively read, as follows:

"*New-Windsor, 25th February*, 1777.

"SIR—Agreeable to a resolve of the Committee of Safety of this State requesting me to convene a general court martial for the trial of Samuel Knapp of Col. Hauthorn's regiment, for treason against the State, I now transmit, enclosed, the proceedings and sentence of the court against the said Knap. You will find by the enclosed petition from the court signed by the president, and a letter from the president signed by order of the court to me, that they wish as well Knap as one Samuel Divine, who by their sentence is also to suffer the pains of death, may be pardoned. They have tried three officers for disobedience of orders and neglect of duty, two of whom they have sentenced to be cashiered, one of them to pay a fine of £30, the other a fine of £5, and the third to pay a fine of £5 and to make a proper acknowledgment to his colonel. They have also tried a sergeant and two privates—one, for refusing to march with the militia, to pay a fine of £20; the other for disobedience of orders and assaulting his officer, to receive 39 lashes; the sergeant, for remissness of duty in suffering a prisoner to escape from his guard, to pay a fine of 40*s.* and lose his office; all of whom are to remain confined till their respective sentences are executed.

"The gentlemen of the court are of opinion, and I perfectly agree with them, that if the latter sentences are approved and carried into execution, and the two former prisoners pardoned under the gallows, it will answer a better purpose than if they should be executed. Add to this, I am far from being clear that the evidence, as it is reported, (material parts of it being, I am sure, omitted through mistake,) will support the sentences. As the only use in punishment is to bring people to a proper sense of their duty, and as I flatter myself, from the effect even of convening this court only, has already had on the refractory and disobedient, that the end will be fully answered, though these wretches' lives be spared; nor have I the least doubt but that the Honourable Convention will extend mercy towards the first if it can (in their better judgment) be done consistent with the public good; on any other terms I do not wish it.

"I am much at a loss respecting some parts of my duty in this new business, in which I beg the advice and direction of the Convention.

"1st. Am I to cause the person whom I appointed to act as judge-advocate to report the proceedings of the court to the Secretary of war.

"2nd. Am I to approve or disapprove the sentences myself, or transmit them to General Washington as Commander-in-Chief of the Continental army.

"I am, with much esteem, your obt. servt.

"GEO. CLINTON.

"To the Honourable the President
of the Convention of the State of New-York."

"At a general court martial held at the house of the Widow Crists, in Ulster county, on the 11th, 12th and 13th days of February, 1777.

"PRESENT—Col. Woodhull, *President.*

"Col. Snyder, Lieut. Col. Hardenburgh, Lieut. Col. Jansen, Maj. Jansen, Maj. Contine, Maj. Phillips, Capt. Nicholl, Capt. Woodhull, Capt. Salsberry, Capt. Vancurer, Capt. Gelaspee, Capt. Little, Capt. Milligan.

"Came on the trial of Samuel Knapp of Col. Hathorn's regiment, of Orange county, who being charged before this Court with disobeying the orders of his officers, after being duly warned to march with the militia, neglected and deserted to the enemy and adhered to them, together with a number of treasonable acts against this State.

"Capt. John Sayre deposeth and saith: That on or about the 10th day of December last, he, this deponent, see Samuel Knapp on the road near Florida, in Orange county; the said Knapp after some discourse asked this deponent whether he had ever seen the King's proclamation, this deponent answered, no; he then replied he wondered at that, for an act of grace was now out and such men as I was ought to know and see it. Among other things he said he was a King's man, and if he fought against him, he wished this deponent well. This deponent saith that said Knapp was more in liquor than ever he had seen him, and further saith not.

"William Clark deposeth and saith: That on or about the tenth of December last, Samuel Knapp called at my house and told me that he had never seen his way clear to fight for America; that he had two or three men who promised to assist him for the regulars; that James Benjamin, Sen. and John Sayre were two of the men, and the said Knapp asked this deponent whether he was a whig or tory; he, this deponent, said he was neither, and also said that Knapp was much in liquor, and further saith not.'

"Amos Bennett deposeth and saith: That about the first of December last, he, this deponent, saw Samuel Knapp at the house of James Williams; he, said Knapp, after shaking hands with me, said he was glad to see me, for it saved him the trouble of going to my house; he asked me if I would sign the King's proclamation? I asked him if he had it? He said, no. I asked him who he saw have it? He said it was no privacy, he had seen several of them with Joseph Barton; he, the said Knapp, also said that the King's standard was raised; that there was sixty days limited for us to come in to receive the benefit of the act of grace and protection; also he said he proposed to go to the regulars and bring up salt, and asked me if I would take some of it? I answered, I would not, and further saith not.

"James Williams deposeth and saith: That on or about the first of December last, Samuel Knapp came to my house and told me that he had seen a proclamation of the King, and that it would entitle us to such privileges as we had in the year 1763, and would have me consider upon it, and that all he wanted was to know the people's minds, and further saith not.

"Jacob Vanderhoof, Junr. deposeth and saith: That about the 8th or 10th of December last, Samuel Knapp came to me at Jacob Vanderhoof's barn and appeared to be in liquor; he asked me whether I would join the act of grace and come to his house that night? for he said a number of people was to be there to conclude about raising the royal standard; that if I would join I should not want for money; and also said he would send for me if I would come. I told him he need not, for I would go if I could. He told me that the militia was to march soon, and advised

me not to march with them, nor tell my father what he had told me, and further saith not.

"Samuel Brinson deposeth and saith: That I waited on Samuel Knapp in June last, with the second association of the Convention of this State; Knap told me he liked it better than the first, and would consider in respect to signing it; and also said he could not see his way clear in taking up arms against the King; but if the Indians broke out he would be as ready to take up arms as any body, and declared he was not an enemy to his country; that at a time when a detachment of the militia was called out, Knapp was greatly opposed to the drafting of men for the service, and was very solicitous in raising a bounty for encouraging men to enlist voluntarily, and further saith not.

"Lieut. David Rogers deposeth and saith: That Samuel Knapp refused to sign the first general association some time last spring when offered to him by the officers of the company, by reason that he could not see his way clear; that he did not purpose to fight against the King until he was better satisfied, but if the French and Indians came against the country he would take up arms against them; and further said that if the regulars came and destroyed men, women and children, that he would take up arms and fight against them until he died. When said Knapp was a prisoner at Rammapough I asked him how he came to go away? He said he was better satisfied; I asked him how he come to be taken? He said he was on his way home with a determination to give himself up to the committee; and said if I had been at his house in lieu of a guard that went to his house after him, he would have given himself up to me, and further saith not.

"William Holly deposeth and saith: That he was in conversation with Samuel Knapp, and heard him say that he was determined not to be an enemy to his country; that he had been in the service of the King in the last war, that the oath which he then took was still binding upon him, but yet said he would sign the association, and that if independence was declared he did not look upon his oath so binding to the King as it was now. I told Knapp I had heard the Indians was to be down on the frontiers in three weeks; he answered that he did not like that, for if they sent them upon us he would take up arms and go against them, and do as much in behalf of his country as any man, and further saith not.

"David Devoe deposeth and saith: That he heard Samuel Knapp say, that he was determined to keep peace among ourselves; that I knew him to be always ready to assist in raising men for the service of the State, and said he was willing to give five hundred pounds to have peace between England and America, and further saith not.

"Lieut. John Brinson deposeth and saith: That at one of their monthly trainings he heard Samuel Knapp speak very disrespectfully of the Congress, and publicly recommended the people to apply to Congress to purchase liberty at some rate; that it was liberty we was fighting for, but was as much in slavery as could be.

"John Smith deposeth and saith: That as Samuel Knapp and himself was walking from the house of William Ellison's to Vessel Smith's, about the eighth or tenth of December last, he, the said Knapp, told me that the militia was to be called in three or four days' time, and desired me not to go, that if I staid he would pay my fine, and further saith not.

"This court having taken into consideration the case of Samuel Knapp, and duly examined the proofs and allegations of the evidence, do unanimously find him guilty of treason against this State, by a resolve of Convention of the 16th July last, and do adjudge him to suffer the pains and penalties of death.

"The within are the proceedings of this court martial, in the case of Samuel Knapp.

"JESSE WOODHULL, *President.*

("Attest,)

"JOHN HATHORN, *Judge-Adve.*"

"*To the Honourable Convention of the State of New-York:*

"The petition of the members of the general court martial, now sitting in Ulster county, composed of General George Clinton's brigade, humbly sheweth:

"That your petitioners, in obedience to an order of Brigadier-General George Clinton, hath proceeded to determine a number of cases between the States of America and several offenders; among others, Samuel Knapp of Col. Hathorn's regiment of militia, of Orange county, which, for certain reasons, your Honourable House hath passed a resolve, of January, 1777, for the especial purposes of trying the said Knapp by a resolve of the 16th July last, making certain offences treason against this State, and from the examination of a number of witnesses find the said Knapp guilty of treason against this State, and consequently the punishment annexed is death.

"Your petitioners find among some of the evidence, instances of his friendship towards his country, from time to time, and are also informed that when he was apprehended he was on his way home from New-York; and he now declares it was his intention to return home—that he was better convinced: circumstances that present to us a reformation.

"Your petitioners beg leave to inform you that the said Knapp has a wife and a number of small children to lament his awful disaster.

"Moved, from these considerations, your petitioners take the liberty to inform your Honourable House that they are pleased with the prospect of that tenderness and humane feelings, so fully exhibited by you in the reservation of his life in your hands, although condemned to die by the laws of his country.

"We further beg leave to inform your Honourable House that we are abundantly convinced you have nothing more in view, by punishing offenders, than to teach the subjects of this State the great duty they owe to themselves, their posterity and country.

"Your petitioners further beg leave to inform your Honourable House that the sentence now passed by your petitioners against him, in their opinion, may be a sufficient example, if wisely improved, and yet spare his life.

"Your petitioners rest assured that your Honourable House will point out a way that his life may be spared and yet justice satisfied.

"And your petitioners, as in duty bound, shall ever pray.

"Signed in behalf and by order of this court martial,

"By me,

"JESSE WOODHULL, *President.*

"*Ulster county, 21st Feby.* 1777."

"*Feby. 22d,* 1777.

"DEAR GENERAL—

"You will see from the proceedings of the general court martial, which are transmitted to you that the court was under a necessity of passing sentence of death upon Samuel Knapp, of Col. Hathorn's regiment, in Orange county, and Samuel Devine, of Col. Hasbrouck's regiment in Ulster. In the case of the former, Convention did order that, if he was found guilty only by the resolve of Convention of the seventeenth of July last, making certain offences committed against the State treason, (which was the case,) he should not be executed without their order; and the case of the latter, I conceive lies only with you. I do now, in behalf and by order of the general court martial, earnestly solicit your Honour, that, in the former case you would use your utmost influence with the Convention, and in the latter grant pardoning grace. Although the poor wretches are justly condemned by the laws of their country, I hope your Honour may conceive, that the making a wise improvement of the sentences against them may answer the great end of punishment, which is to bring them and others to a sense of the duty that they owe to themselves, their posterity and country, and spare their lives. I add no more. I am, with great esteem,

"Your most obt. and very humble servt.

"JESSE WOODHULL."

Ordered, That the said letter (and papers enclosed) be committed to Mr. Morris, Mr. Hobart and Mr. R. R. Livingston.

A letter from General Wooster, dated Rye Neck, Feby. 17, 1777, enclosing copy of a letter from Capt. Alexr. Grant, directed to General Heath, or the officer commanding the Continental forces in Westchester or Dutchess county, dated King's Bridge, Feb. 16th, and sent by a flag of truce requesting permission that his wife, family and effects may come over to him, and an open letter from Capt. Grant to his wife, were respectively read, as follows:

"HEAD-QUARTERS,
"*Rye Neck, Feb.* 17, 1777.

"GENTLEMEN—With this I enclose copy of a letter from Capt. Alexr. Grant, at King's Bridge, sent per flag to Major-General Heath, or officer commanding the Continental troops in Westchester or Dutchess county; also his letter to Mrs. Grant. I have informed him that I shall refer his request to the Honourable Convention of the State of New-York for their approbation, as it falls more immediately under their cognizance; have therefore despatched this to you, and beg to know your pleasure in the affair as soon as possible:

"On the twenty-second instant a regiment of volunteers from Connecticut will be discharged, when I shall not have more men in this department than about eight hundred, eighty-two from Connecticut, and eighty-seven from your State, under the command of Colonel Humphrey, which in my opinion is a number very insufficient for the purpose of protecting or maintaining the allegiance of this county; and particularly of securing the important article of forage. I must therefore earnestly request that the militia, which I am informed you have ordered to this quarter, may be sent on with all possible expedition.

"I have the honour to be, gentlemen,
"Most respectfully, your obt. humble servt,
"DAVD. WOOSTER."

Copy of a letter from Capt. Alexr. Grant, to Maj. General Heath, &c.

"*King's Bridge, 16th Feby.* 1777.

"SIR—Having obtained his Excellency Genl. Howe's permission to send a flag of truce for my family and effects, not doubting of your generosity and humanity, Lieut. Cameron is sent with this, requesting them, not as tories, but as the family of a British officer; not as captives, but as detained when the Colonies yet acknowledged themselves subjects of Great Britain. I therefore presume that my attachment to the King, my master, and adherence to the oaths I took when I entered his service, to come over to defend the claims and rights of this country, will not lessen me in the esteem of honest men, to whom I submit the justice and equity of this request.

"Enclosed I have left open a letter for Mrs. Grant, for your perusal.

"I am sir, your very humble servant,
"ALEXR. GRANT, *Captn.*"

Which letters were committed to Mr. Gansevoort, Mr. Wisner and Major Van Zandt.

A letter from Ezra L'hommedieu, Esq. dated at Guilford, Feby. 18, requesting a proper certificate that he may be enabled to transport a cargo of rum, sugar, &c. to this State, which is lately arrived at Bedford, and enclosing an account of Daniel Collins, for the expenses of removing from Long island to Guilford some powder, small arms, &c. was read and committed to Mr. Ten Broeck, Mr. Harper and Mr. Dunscomb.

Ordered, That the Secretaries make out the necessary certificate, and that the same be signed by the President, and transmitted to Mr. L'hommedieu.

Ordered, That Major Parks be added to the committee on Scofield's petition.

The petition of the ship joiners, employed on board the frigates, relative to provisions, &c. was read, and committed to Capt. Rutgers, Mr. Tappen and Mr. Ray.

Mr. Morris, from the committee for that purpose appointed, reported a set of instructions for Mr. Taylor and Mr. Cuyler, who are appointed to repair to the Generals Clinton, McDougall and his Excellency General Washington, which were read and approved, and are as follows:

"GENTLEMEN—You are upon leaving this place to proceed according to the resolution, of which a copy is herewith delivered to you, to the residence of General George Clinton; you are there to inquire of him particularly the number of men under his command, and to note the several reasons why he hath not been able to obtain the body directed by Convention to be raised. You are also to inquire of him the number which is in his opinion necessary to defend the several posts immediately under his care; and whether he can upon any emergency throw any and what succours into the forts on Hudson's river. You are to procure of him a plan of the obstructions to be made in the river to the northward of the Highlands, and what works appear necessary to cover them; also what forwardness there is in such obstructions, and the time necessary to complete the same, and the covering fortifications.

"You are afterwards to go and view the forts in the Highlands, under the command of General James Clinton, to take notes of the number and state of the garrisons and stores; the deficiencies of either or both, and the necessary requisites to a complete state of defence in case the enemy should endeavour to carry them by an attack, both by land and water. You are to make observation and inquiry as to the surrounding grounds, and in general to acquire the most adequate ideas in your power of all matters which relate to the attack or defence of those works; the means of throwing in reinforcements or supplies and the like.

"Having gained the necessary intelligence above recommended, you will proceed to Genl. McDougall's quarters, and give him the information you have obtained; suggest to him the propriety of putting the posts above mentioned in a respectable state of defence, and inquire into the state of the troops under his command. You will also endeavour to learn the precise situation of all the American forces in the county of Westchester, the success they have met with in procuring forage, and what probability of procuring still greater supplies there may be by continuing in that occupation; what number of men is necessary to secure the passes on that side of Hudson's river, in case the enemy should make a sudden incursion, and how many will be requisite for the defence of the county of Westchester against the ravages of the enemy's light troops. You are also to inquire the character of the American troops now there, and how far they may be depended on if exigences require. You are to take Genl. McDougall's opinion, whether in any sudden emergency, he could throw in reinforcements to the posts in the Highlands, and in what space of time; and urge him to strengthen them immediately, to the utmost of his power.

"You are then to wait upon His Excellency General Washington. You are to communicate to him the intelligence received by Henry Livingston, and state the probability that the enemy may endeavour, by a coup de main, to carry the forts in the Highlands. You are to represent to him the situation of those forts, according to the result of your inquiries. You are to inform him of the utter impracticability of holding them by militia of this State. You are to point out the absolute necessity of permitting the inhabitants to remain at home, after the vigorous exertions made by this State, to the exhausting of almost all her resources, more especially as the supply of the army must in a great measure depend upon her, which has already been rendered in some measure precarious by the number of people who have been drawn from their farms as soldiers, or been disturbed in their employments by the frequent calls of the militia. You are to hint to His Excellency the propriety of appointing some discreet, vigilant and active officer to be the governor of those forts; and

show the advantages which would result from appointing Genl. George Clinton to this office, and employing Genl. James Clinton in service more agreeable to his temper, disposition, &c. You are to inform His Excellency of the impossibility of procuring cannon, within this State or at Salisbury, for the frigates in the river, in any convenient time; and to show the great advantages we should derive from having them completed, if the enemy should be able, with some of their smaller vessels, to pass through the Highlands. You are to request of him to write for cannon to the southward, and lay before him an estimate of the number and weight of such cannon. You are to suggest to His Excellency the propriety of sending a number of good artillery men to the forts Montgomery and Constitution, and also proper engineers to survey the grounds about those forts, and mark out works to cover the obstructions to be made to the northward of the Highlands. If, in conversation with the General, you have any decent opportunity, you are to suggest to His Excellency and the officers of his family, the propriety of having a number of light boats built, with light carriages to transport them; by which means the partisan war may be carried on to great advantage. You are to inquire the number of horse directed to be raised, and state, as well as the occasion may permit, the impracticability of maintaining any great number."

DIE JOVIS, *P. M. Feby. 27th*, 1777.

The Committee met pursuant to adjournment.

PRESENT—Genl. Ten Broeck, *President.*

Mr. Phil. Livingston, Mr. Dunscomb, Capt. Rutgers, Major Van Zandt—*For New-York.*

Col. Van Cortlandt—*For Westchester.*

Mr. Wisner—*For Orange.*

Mr. Stevens—*For Cumberland.*

Genl. Ten Broeck, Mr. Adgate, Mr. Ten Broeck, Mr. Gansevoort, Mr. Taylor, Mr. Cuyler—*For Albany.*

Mr. Harper, Mr. Paris, Mr. Veder, Mr. Newkerk—*For Tryon.*

Mr. Hobart—*For Suffolk.*

Major Parks, Mr. Ray—*For Ulster.*

A letter from His Excellency General Washington, dated at Morris Town, Feby. 20th, in answer to ours on the subject of exchanging Capt. Van Dyck and others, was read.

The petition of Dirk Gardinier and Matthew Goes, Junr. confined at Hurley as disaffected persons, praying to be permitted to return to their families for a limited time, was read, and the prayer of said petition was rejected.

A letter from the committee of Charlotte county, subscribed by John Williams, Esq. their chairman, informing that the said committee have ordered the company of rangers, raised in that county, to the post of Ticonderoga, on an apprehension that the enemy will cross the lakes on the ice, and suggesting the propriety of appointing a pay-master for the said rangers, was read.

Ordered, That the said letter be committed to the six members from the city and county of Albany.

A letter from Capt. McCrackan, of Col. Van Schaick's regiment, requesting some more money may be advanced for the bounty of his men, was read.

Ordered, That the President write to Colo. Van Schaick, informing him of this application, and that no money can be advanced for this purpose but through the colonel or commanding officer of the regiment.

Resolved, That a committee be appointed to examine the minutes of the proceedings of the several Committees of Safety of this State, from the time of the Convention's adjournment from Harlaem, to this day, and report such parts thereof to the Convention of this State as require the confirmation of Convention:

Resolved, That Mr. Hobart and Mr. Morris be the committee.

Mr. Hobart, on behalf of Genl. Geo. Clinton, informed the House that the General expects soon to begin sinking the obstructions ordered to be made in Hudson's river, and that he stands in need of some small cables for that purpose.

Ordered, That Mr. Newkirk and Capt. Rutgers be a committee to provide cables, &c. for General Clinton for the above purpose.

The petition of John Winn, late captain of one of the companies of rangers in Tryon county, charged with having killed one of his men, praying that he may be restored to the liberty of serving his country was read.

Mr. Adgate, from the committee for auditing accounts, requested the sense of the House on an account of Richard Esseltine, wherein he charges 8*s.* for each spear: Whereupon the sense of the House was declared to be, that the said committee allow no greater price for the making the said spears than is directed by an order of the third of October last.

An account of Isaac Stonehouse for maintaining the poor removed from places in the possession of the enemy and placed in the precinct of New-Windsor, and certified by Samuel Brewster, chairman of the committee of New-Windsor, was exhibited for payment. Thereto is annexed a certificate of Mat. Adgate and Benjn. Newkirk, Esqrs. two of the committee of Convention, appointed to audit accounts, that they had examined the said account and the endorsement of Saml. Brewster, Esq. chairman of the committee of New-Windsor, thereon, and are of opinion that he be allowed for the same, the sum of three hundred and fifty pounds eighteen shillings and nine pence.

Resolved, That the Committee of Safety agrees with their auditors in their report.

Ordered, That the Vice-Treasurer of this State pay to the said Isaac Stonehouse, on his receipt in full thereon, the sum of three hundred and fifty pounds eighteen shillings and ninepence, for his account to the said report annexed.

FRIDAY MORNING.

Febry. 28th, 1777.

The Committee of Safety met pursuant to adjournment.

PRESENT—Brig. Gen. Ten Broeck, *President.*

Mr. Beekman, Capt. Rutgers, Majr. Van Zandt, Mr. Dunscomb, Mr. Phil. Livingston—*For New-York.*

Mr. Stephens—*For Cumberland.*

Mr. Harper, Mr. Newkirk, Mr. Paris, Mr. Veder—*For Tryon.*

Genl. Ten Broeck, Mr. Adgate—*For Albany.*

Mr. R. R. Livingston—*For Dutchess.*

Col. Van Cortlandt, Mr. Morris—*For Westchester.*

Mr. Hobart—*For Suffolk.*

Mr. Ray, Mr. Tappen—*For Ulster.*

Mr. Wisner—*For Orange.*

Mr. Morris, from the committee appointed for that purpose, reported the draft of a proclamation appointing a day of solemn fasting and prayer throughout this State, which was read, amended and agreed to, and is in the words following:

"WHEREAS the war which hath hitherto wasted and despoiled our country still rages with unremitting violence, and may, by the just vengeance of Almighty God, be more widely spread abroad among other people and nations; filled with a due sense of the tender mercies of Him, in whose hands are all the corners of the earth, this Committee do hereby strictly enjoin, proclaim and command, Friday, the twenty-eighth day of March next, to be observed throughout this State as a day of solemn fasting and prayer; and they do most earnestly recommend to the inhabitants of every denomination, to abstain from all labour, amusements and recreations; to assemble together and humble themselves before their benevolent Creator, imploring him to forgive our manifold iniquities, to stay the hand of the destroyer, to establish and confirm those rights and

privileges with which He hath made us free: and in pity to the miseries of mankind, grant the blessings of peace, liberty and security unto us and unto all men."

Ordered, That 500 copies of the aforegoing be printed, and sent to the several chairmen of the county committees in this State, who are requested to cause the same to be published in all places of public worship in their respective counties, and that the same be published in the newspapers.

The committee appointed to confer with the Reverend Samuel Provoost, reported, that Mr. Provoost, for sundry good reasons offered to the committee, (and by them verbally mentioned to the House,) is under the necessity of declining the honour of serving as chaplain to the Convention: Thereupon,

Resolved, That the reasons assigned by Mr. Provoost are satisfactory to this Committee of Safety.

Resolved, That the Revd. Doctor John Rodgers be appointed chaplain to the Convention of this State, and that he be requested to attend and perform prayers before the Convention and Committee of Safety, every morning, and divine service every Sabbath.

Mr. R. R. Livingston, according to the notice by him given yesterday, moved for a reconsideration of the determination of the House of yesterday afternoon upon the resolutions relative to debtors paying money owing to creditors out of the State into the treasury, &c. &c. The said motion being agreed to, the said determination of yesterday was taken into consideration, and after some time spent therein, was postponed till this afternoon.

Adjourned till this afternoon 4 o'clock.

FRIDAY AFTERNOON, *Feb.* 28, 1777.

The Committee of Safety met pursuant to adjournment.

PRESENT—Colo. Van Cortlandt, *Vice-President*.

Mr. Phil. Livingston, Mr. Dunscomb, Major Van Zandt, Mr. Beekman—*For New-York*.

Mr. Ray—*For Ulster*.

Colo. Van Cortlandt, Mr. Morris—*For Westchester*.

Mr. Adgate, Mr. Gansevoort, Mr. Ten Broeck—*For Albany*.

Mr. Wisner—*For Orange*.

Mr. Harper, Mr. Newkirk, Mr. Paris, Mr. Veeder—*For Tryon*.

Mr. Hobart, Mr. Smith—*For Suffolk*.

Mr. R. R. Livingston—*For Dutchess*.

Mr. Stevens—*For Cumberland*.

The Committee of Safety, according to order, proceeded to the consideration of Mr. R. R. Livingston's motion of this morning for a reconsideration of the determination of the Committee on the resolutions for enabling debtors, (where the creditor is out of the State,) to pay the debt into the treasury, &c. &c. The same was debated, and the question being put thereon, it was carried in the affirmative, and resolved to go immediately into the further consideration of the said resolutions.

The said resolutions being considered and amended, the further consideration thereof was postponed until to-morrow morning.

Ordered, That Mr. John Ten Broeck be added to the committee for apprehending and examining Mr. Cummins and others, in the stead of Mr. Cuyler, who is absent.

Adjourned till 10 o'clock to-morrow morning.

DIE SABBATI, 10 HO. A. M.

March 1, 1777.

The Committee of Safety met pursuant to adjournment.

PRESENT—Brigr. Genl. Abrm. Ten Broeck, *Prest*.

Capt. Rutgers, Mr. Dunscomb, Mr. Livingston, Mr. Van Zandt, Mr. Duane—*New-York*.

Major Lawrence—*Queens*.

Mr. Stevens—*Cumberland*.

Genl. Ten Broeck, Mr. Jno. Ten Broeck, Mr. Adgate—*Albany*.

Col. Van Cortlandt—*Westchester*.

Mr. Wisner—*Orange*.

Mr. Hobart, Mr. Wm. Smith—*Suffolk*.

Maj. Tappen, Mr. Ray—*Ulster*.

Mr. R. R. Livingston—*Dutchess*.

Mr. Newkerk, Mr. Paris, Mr. Veder, Mr. Wm. Harper—*Tryon*.

The Committee of Safety proceeded to consider the resolutions as amended, for enabling debtors, where the creditor is out of the State, to pay the debt into the treasury of the State, &c. which resolutions were adopted, as follows, to wit:

Resolved, That the several towns, precincts, manors and districts, in each county in the State, proceed to the election of supervisors, assessors and collectors, on the first Tuesday of April next, excepting where, by the particular charters of any township or borough an election shall be directed to be held at an earlier day than that which is above prescribed, or where in any township or borough supervisors, assessors and collectors shall have been already elected by virtue of such charters, under the direction of the chairmen or such other members of the county committees as shall be by the said committees appointed for that purpose, and giving due notice thereof by public advertisements in at least four of the most public places in their respective districts, six days previous to such elections.

Resolved, That the said elections be held in each town, precinct, manor and district, at the usual places and in the manner pointed out by the laws of this State.

Resolved, That the said supervisors, assessors and collectors continue in office for the term of one year from the time of their being elected as aforesaid, unless sooner discharged by the Legislature of this State.

Resolved, That all persons indebted to the loan office of this State, whose term of payment is expired, do pay the moneys owing thereto to the several loan offices, who are hereby required to receive and pay the same into the treasury of this State; and in case the proper loan officers are out of this State, or within such parts of it as are possessed by the enemy, that then, and in such case, all persons so indebted as aforesaid, do pay such moneys to the Treasurer or Vice-Treasurer of this State, whose receipt shall be a sufficient acquittance for the same.

Resolved, That all persons indebted to this State on account of the loan office, though their term for payment be not expired, may, at their option, pay in the principal and interest to the several loan officers; or in their absence as aforesaid, to the Treasurer or Vice-Treasurer; in which case, their mortgages shall be delivered up, or where they cannot be obtained, the Treasurer's receipt shall be a sufficient indemnification against the same.

WHEREAS debtors whose creditors formerly resided within this State, but who are either removed from the same, or are within such part thereof as is in the power of the enemy, are by such removal prevented from paying their said debts: Therefore,

Resolved, That every debtor who shall be indebted to any person so removed as aforesaid from this State, or residing in such part thereof as is in the power of the enemy, on making affidavit thereof before the Treasurer or Vice-Treasurer of this State, who is hereby empowered to administer the same, may, in discharge of such debts, or any part thereof, pay to the Treasurer or Vice-Treasurer of this State, such sum or sums of money as he shall think proper; and the interest on all such moneys so paid, shall from the time of such payment, cease; and all contracts for the same, as far as they relate to the moneys so paid, be void; provided always, that such payments shall not affect the costs of suit where an action hath been already commenced, unless the same be paid, together with the debt.

Resolved, That the Treasurer or Vice-Treasurer of this State file all affidavits so as aforesaid taken before him, give receipts for and make regular entries of all moneys so

received, and answer all bills and drafts regularly drawn upon him by the proprietors of moneys as above received, where such proprietors shall appear to reside in any place not within the power of the enemy.

Resolved, That where the person or persons in whose behalf any money shall be paid to the Treasurer or Vice-Treasurer of this State, shall reside at any place in the power of the enemy, no money shall be paid on his or their draft, without the express permission of the Convention, or some person or persons authorized by them or some future Legislature of this State to grant the same.

Resolved, That the Treasurer or Vice-Treasurer be entitled to receive from the debtor one-half per cent on all moneys so as above received, in lieu of all other fees, for his trouble in receiving and paying the same.

Resolved, That where any money due upon contracts made for sterling money shall be paid to the Treasurer or Vice-Treasurer, every dollar so paid in shall be estimated at four shillings and six pence sterling.

Resolved, That the bills of credit heretofore emitted, either by the Continental Congress, the late Provincial Congresses of New-York, or the Convention of this State, shall be a legal tender in debts due either to this State or to private persons; and that any person refusing the same in payment for any just debt, after the same shall have been tendered in the presence of two reputable freeholders, shall forfeit one-quarter of such debt to this State; and the person owing the same, on making oath of such tender and refusal, and of the names of the persons in whose presence such tender and refusal shall have been made before the Treasurer or Vice-Treasurer, (who are authorized to take the same,) shall be permitted to pay the same to the Treasurer or Vice-Treasurer, whose receipt shall be a sufficient discharge for the same, and all interest thereon shall cease from the time of such payment; provided always that the above resolution shall not extend to any case in which the refusal shall arise from any dispute about the sum due, where the party might be prejudiced by not receiving the full amount of his account, nor shall the forfeiture take place till notice be given to the creditor by the Treasurer or Vice-Treasurer of this State, of the affidavits and the payment in consequence thereof, nor till a reasonable time be allowed him after the regular formation of the government of this State, to show by bill filed before the Chancellor, that he is not within the spirit of the above resolution; to which bill the Treasurer of this State shall be made defendant.

Resolved, That the Treasurer or Vice-Treasurer answer the bills or drafts of the person in whose behalf such sum or sums of money shall have been paid for three-quarters of the sum so paid.

Resolved, That whenever any debtor, agreeable to the above resolutions, shall have paid to the Treasurer or Vice-Treasurer of this State the full amount of his debt due upon any bond, mortgage or note of hand, upon presenting, in the presence of two credible witnesses, a certificate of such payment, signed by the Treasurer or Vice-Treasurer, to the creditor whose debt is so lodged in the treasury, he shall be entitled to receive of such creditor, within three weeks after he shall have demanded the same, his bond, mortgage or note of hand; and in case any creditor shall refuse to deliver up such security, that on information filed and conviction thereof in any court of record, the creditor shall forfeit one-half of his said original debt to the use of this State, with costs of suit.

Resolved, That the Treasurer or Vice-Treasurer shall answer no draft of any creditor, unless upon due proof made by affidavit of the said creditor, that the securities for the debt paid in have been delivered up to the debtor, where the whole debt has been paid off; or that proper endorsements have been made thereon where only a part has been paid.

WHEREAS many evil-minded and avaricious people have purchased up large quantities of wheat and other grain in order to enhance the price thereof:

Resolved, That the chairman of the committee of the district in which the same may happen to be stored, shall, on application from the Quarter-Master or Commissary-General of the Continental army, or their deputies, grant a warrant for seizing the same for the use of the said army, first paying to the proprietor a sum not exceeding eight shillings and six pence per bushel for wheat, five shillings and sixpence for rye, eight shillings and six pence for peas, three shillings and six pence for oats, and five shillings for Indian corn; provided always, that nothing in this resolution contained shall be construed to extend to the limitation of the prices of the articles aforesaid in the possession of those husbandmen who have raised the same.

Ordered, That the aforegoing resolutions be published in the newspapers, and that the same be printed in handbills, and sent to the chairmen of the several county committees, who are directed to cause them to be distributed among the inhabitants, and put up in all the most public places throughout their respective counties.

A letter from Robert Livingston, Esq. dated the 17th inst. directed to the Vice-President, was read. He therein informs that he had, agreeable to the request of the Committee of Safety of the 12th inst. directed the iron necessary for the Continental ships to be drawn and forwarded; and assures the Convention of his readiness to serve the public cause.

A letter from Brigr. Genl. Bailey, dated Newbury, the 19th February last, was read.

Resolved, That a committee be appointed to state the boundaries of New-York, and the titles and principles upon which they are founded. That they have power to search the State records, and to procure other necessary materials; and to employ one or more surveyors, or geographers, to assist them in preparing a plan or chart of this State, and that they have power to send for persons and papers; and that Mr. Duane, Mr. R. Yates, Mr. R. R. Livingston, Mr. Hobart and Mr. Taylor, be a committee for that purpose.

Ordered, That the letter of Brigadier-General Bailey, be committed to the above named committtee.

On motion,

Resolved, That such gentlemen of the committee of arrangement as are or may be present, have power to complete the arrangement, and to issue commissions for such officers of the Continental regiments raising in this State, as have been already named.

Major-General Schuyler, who has been present during the morning, informed the Committee that he attends to entreat the aid of this House to obtain a number of ship-carpenters; that the aid formerly given on the application of has proved ineffectual; that he is willing to allow them 10*s*. 8*d*. per day, one and a half rations of provisions, and a half pint of rum; that without a number of ship carpenters, he cannot complete the vessels ordered to be built at the lakes.

Ordered, That Mr. Phil. Livingston and Mr. Wm. Smith, be a committee to confer with the ship carpenters and joiners on the subject of General Schuyler's application.

Major-General Schuyler informed the Committee of Safety, that he has directions from His Excellency General Washington, to inoculate the army under his command, which he cannot conveniently do, without interfering with the modes prescribed for inoculation, by the resolutions of the Representatives of this State.

Resolved, That Maj. Genl. Schuyler be, and is hereby authorized to cause the army under his command, to be inoculated with the small pox, at such times, and in such places and numbers as he may think proper; any resolutions of the Convention or Committee of Safety, or the Representatives of this State to the contrary thereof in any wise notwithstanding.

A letter from Robert Livingston, Esquire, to Messrs. R.

R. Livingston and Morris, relative to the casting of cannon, was read. Thereupon,

Resolved, That for the reasons assigned in Mr. Livingston's letter, it would be improper to employ his furnace in casting cannon, as it is absolutely necessary that his works should be employed as heretofore, in preparing bar iron.

Ordered, That Mr. Hobart be added to the mineral committee, appointed to make discoveries of lead and sulphur mines, and flints, and have assays made therein; that they be also authorized to have searches made for black lead, and assays made therein. And,

Resolved, That the said committee be, and they hereby are, authorized to cause flints be prepared with all possible despatch out of the flint mines discovered in Tryon county, on which assays have been made.

A pay roll of the officers, non-commissioned officers and privates, of Capt. Isaac Belknap's company of rangers, amounting to £115 19*s*. 0*d*. for the pay of the said company from the 8th day of January to the 6th day of February last, both days included, and sworn to before the present President, was exhibited for payment. Thereon is endorsed a certificate of Benjn. Newkerk and Matthew Adgate, two of the committee of Convention, for auditing accounts, whereby they certify that they have examined the said pay roll, and do allow the sum of £115 19*s*. 0*d*.

Ordered, That the Treasurer of this State pay to the said Isaac Belknap, the said sum of £115 19*s*. 0*d*. on his receipt in full on the said roll.

A subsistence roll of the officers, non-commissioned officers and privates, of Capt. Belknap's company of rangers, from the said eight day of January to the 6th day of February last, both days inclusive, amounting to £80 19*s*. 3*d*. and sworn to by Capt. Belknap, before the present President, was exhibited for payment. Thereon is endorsed a certificate of Benjamin Newkerk and Matthew Adgate, two of the said committee for auditing accounts, whereby they certify that they have examined the said roll, and allow thereon the sum of £80 19*s*. 3*d*.

Ordered, That the Treasurer of this State pay to the said Capt. Isaac Belknap, the said sum of £80 19*s*. 3*d*. on his receipt in full, on the said roll.

An account of Capt. Belknap for £15, for the last moiety of the bounty of Walter Wilson, Abraham Garrison and John Rynders, sworn to before Abraham Ten Broeck, Esquire, the President, was exhibited for payment. Thereon is endorsed a certificate of Benjamin Newkirk and Mathew Adgate, two of the committee for auditing accounts, whereby they certify that they have examined the said account, and do allow the sum of £15, for bounty to the persons therein named.

Ordered, That the Treasurer of this State pay to the said Capt. Isaac Belknap, the said fifteen pounds, on his receipt in full, on the said account.

DIE SABBATI, 6 *ho. P. M. March* 1, 1777.

The Committee met pursuant to adjournment.

PRESENT—Brigr. Genl. Abraham Ten Broeck, *Prest.*
Mr. Duane, Mr. Dunscomb, Major Van Zandt—*New-York.*
Genl. Ten Broeck, Mr. Adgate—*Albany.*
Mr. Rea, Mr. Tappen—*Ulster.*
Mr. R. R. Livingston, Mr. Platt—*Dutchess.*
Major Lawrence—*Queens.*
Mr. Stevens—*Cumberland.*
Col. Van Cortlandt, Mr. Morris—*Westchester.*
Mr. Hobart, Mr. Wm. Smith—*Suffolk.*
Mr. Wisner—*Orange.*
Mr. W. Harper, Mr. Newkerk Mr. Paris, Mr. Veder—*Tryon.*

A letter from Wm. Duer, dated at Cromwell the 25th February, showing the necessity of a reinforcement being sent into that county, to protect the inhabitants forwarding the foraging business, was read.

An extract of General Wooster's letter of the 23rd February last, directed to the committee of Convention in Westchester county, setting forth the smallness of his brigade, and the necessity of reinforcements from this State, was also read.

A copy of a letter from Col. H. Van Rensselaer, dated at East Chester, on the 24th February, and directed to the said committee of Convention, was also read. He therein informs them that General Wooster with his troops had retreated to Ryeneck.

A copy of a letter from the committee of Convention, dated the 24th Feby. to Col. H. Van Rensselaer, was also read.

A letter from Israel Honeywell, to the committee of Convention, dated at Phillipsburgh on the 23rd Febry. assigning reasons for obtaining additional guards, was also read.

Ordered, That Col. Van Cortlandt, Capt. Platt and Mr. Hobart, be a committee to take the said letters and papers, and report thereon.

Three several letters from Mr. John Henry, dated at Fishkill on the following days, to wit: on the 20th, 24th and 27th February, together with an inventory of the goods in store, as clothing for the Continental troops, when he took charge of the same, were respectively received and read.

The inventory is dated 15th February, and is as follows, to wit:

537 frocks.
19 Scotch rugs.
79 frocks which Mr. Curtenius sent to the store.
925 overalls, linen and wollen, and 17 pair ditto unmade.
226 under jackets.
651 linen and flannel shirts.
31 pieces oznaburgs and 20¼ yds. ditto.
7 moth eaten coats out of the Continental store.
14 pair breeches, leather and flannel.
2 pair trowsers, &c.
378 pair shoes and 13 pair ditto Scotch, not matched.
584 hats and 22 bonnets.
187 knapsacks.
6 reams cartridge paper.
3 blankets, moth eaten, and 2 good ditto.
339 pair mitts.
2 guns, 2 cartridge boxes and two bayonet boxes.

The said several letters request that the clothing provided by this State for the Continental troops, and now at Kingston, may be forwarded to Fishkill, and that money may be advanced to him to enable him to proceed in the business, and discharge contracts formerly made for the purchase of clothing, tradesmens' bills, &c.

Ordered, That Mr. Newkirk forward all the clothing belonging to this State to Mr. Henry at Fishkill, with all convenient despatch. And,

Ordered, That the Treasurer of this State, do transmit by Capt. Isaac Belknap, the sum of two thousand dollars to Mr. John Henry, superintendent of the said clothing store at Fishkill, to enable him to carry on the necessary business of procuring clothing for the troops, that Mr. John Henry be accountable for that sum, and transmit to the Treasurer a receipt for the same.

Mr. Duane according to order, reported a draft of a letter to Continental Congress, on the subject of the disaffected subjects of this State, in the three northeastern counties, which was read, amended and approved, and is as follows:

"SIR—The enclosed letters and resolutions were prepared some time since; but for reasons with which you need not be troubled, were delayed. Some late proceedings of the disaffected within this State, occasion their now being transmitted.

"I am directed to inform you that the Convention are engaged in establishing a firm and permanent system of government. When this important business is accomplished, they will despatch a satisfactory statement of the boundaries, and the principles on which they are founded, for the information of Congress. In the mean time, they de-

pend upon the justice of your Honourable House in adopting every wise and salutary expedient to suppress the mischiefs which must ensue, both to this State and the General Confederacy, from the unjust and pernicious project of such of the inhabitants of New-York as, merely from selfish and interested motives, have fomented this dangerous insurrection. The Congress may be assured that the spirit of defection, notwithstanding all the arts and violence of the seducers, is by no means general. The county of Gloucester, and a very great part both of Cumberland and Charlotte counties, continue stedfast in their allegiance to this government. Brigadier-Genl. Bayley's letter, (a copy of which is enclosed,) will be a sufficient proof of the temper of the people of Gloucester county. Charlotte and Cumberland continue to be represented in Convention; and from very late information we learn, that out of 80 members which were expected to have attended the mock convention of the deluded subjects of this State, 20 only attended. We are informed by good authority, that Col. Warner was directed by the General to send forward his men as he should enlist them, to Ticonderoga; notwithstanding which it appears, by a return from thence not long since, that only 24 privates had reached that post; nor is there the least prospect of his raising a number of men which can be an object of public concern; though, instead of confining himself to the Green Mountains, as we understand was the intention of the Honourable Congress, he has had the advantage of recruiting in Albany and other places. The Convention beg to know what pay the Honourable Congress have allowed for the officers and privates of the troops of horse who were employed the last campaign in the service of the United States."

Ordered, That a copy thereof be engrossed, and that a copy of the resolutions of this Committee, passed on the 20th January last, and a copy of the letter of that date to the Congress, be copied, and both letters signed by the President, and transmitted by a messenger. And,

Ordered, That the President write a letter to the Deputies of this State at Congress, and enclose the said letters and resolutions for their perusal, before they are delivered.

Mr. Morris moved, and was seconded, that the committee for preparing a plan of government, be directed to sit to-morrow.

The question being put thereon, it was carried in the negative.

Ordered, That the sequestration bill now before the House, be taken into consideration on Monday next.

A letter from Johannes D. Blavelt, lieut. colonel of a regiment of the militia in Orange Town in Orange county, resigning his commission as lieut. colonel, was read and filed.

Resolved, That Lieut. Colonel Blavelt's resignation be accepted; and that General George Clinton be requested to recommend a proper person to be appointed to that vacancy.

Resolved, That the committee of the town of Kingston do make an inventory of all personal property in the town of Kingston, belonging to any person or persons gone over to the enemy; and that no part thereof be disposed of or conveyed, until the further order of the Convention or Committee of Safety of this State; and to enable the said committee to execute the above resolutions,

Resolved, That any two or more members of the said committee of Kingston, be and hereby are authorized to convene persons before them, and to administer any oath to any person in whose custody any such personal property is suspected now to be, or to have been.

A letter from Pliarue Penet & Co. merchants in Nantes, in the Kingdom of France, dated the 21st day of October, 1776, offering to supply the Committee of this State with cannon, muskets, powder, all kinds of military stores and dry goods, was read and filed.

Ordered, That Mr. Morris make an extract of such parts thereof as may be proper to be published in the newspapers, that the same may be sent to Samuel Loudon, to be published.

DIE LUNÆ, A. M.

March 3rd, 1777.

The Committee of Safety met pursuant to adjournment.

PRESENT—Brigr. Genl. Ten Broeck, *President*.

Mr. Beekman, Major Van Zandt, Mr. Dunscomb, Mr. Livingston, Capt. Rutgers, Mr. Duane—*For New-York*.

Mr. Platt—*For Dutchess*.

Major Lockwood, Mr. Mills, Mr. Morris—*For Westchester*.

Genl. Ten Broeck, Mr. Ten Broeck, Mr. Gansevoort, Mr. Adgate, Col. Van Rensselaer—*For Albany*.

Mr. Harper, Mr. Paris, Mr. Veder, Mr. Newkerk—*For Tryon*.

Mr. Wisner—*Orange*.

Mr. Smith, Mr. Hobart—*For Suffolk*.

Mr. Tappen, Mr. Ray, Genl. Geo. Clinton, Col. Dewit—*For Ulster*.

Major Lawrence—*Queens*.

Mr. Stevens—*Cumberland*.

The committee to whom was referred the letter and papers from the committee of Convention in Westchester county, reported sundry resolutions, together with a draft of a letter to the said committee, all which were read and approved, and are as follows:

Resolved, 1st. That the frequent calls of the militia of this State has greatly distressed the inhabitants, taken the husbandmen from their occupation, prevented them from thrashing and manufacturing their wheat; whereby the Commissary-General has been unable to obtain a sufficient supply for the magazines, and very much impeded the raising of recruits for the Continental army, and therefore ought not to be repeated, but in cases of the most urgent necessity.

WHEREAS a number of volunteers have been ordered to be raised in the counties of Dutchess and Westchester, under the command of Col. Humphreys and Capt. Gray:

Resolved, That a letter be wrote to Col. Humphreys, directing him to march all the men he has raised immediately to Westchester county, and take the directions of the commissioners, appointed by a resolve of this Committee to superintend the removal of such grain, forage, cattle, &c. as may be exposed to the depredations of the enemy in Westchester county; and that another letter, to the same purpose, be wrote to the commanding officer of the company lately commanded by Capt. Gray.

Resolved, That if the troops mentioned in the foregoing resolve should prove insufficient for the purpose of protecting the well affected in Westchester county, and cutting off the communication between the disaffected subjects of this State and the enemy, then, and in that case, the commissioners aforesaid be empowered to raise such a number of volunteers, under the command of Lieut. Col. Hammond and Major Nicholas Fish, as they shall judge necessary, not exceeding three hundred; and that they be empowered to appoint such and so many captains and subalterns, out of those already in commission in the militia, as they, together with Col. Hammond and Major Fish, shall think proper, always observing not to appoint more than one captain and two subalterns to a company of seventy men.

Resolved, That the men so raised, be allowed Continental pay and rations, and be continued in service until the fifteenth day of April next, unless sooner discharged.

Resolved, That copies of the papers received from the committee of Convention, in Westchester county, be transmitted to Genl. McDougall, commanding at Peekskill, with the opinion of the Committee of Safety, that it is advisable, in the present state of the said county, to detach a part of the Continental troops, raised in this State,

in garrison at Fishkill, for the protection of the said county, and to oppose any design of the enemy in that quarter.

Resolved, That the said committee of Convention be furnished with a copy of the preceding resolutions.

"*Kingston, March* 3, 1777.

"GENTLEMEN—The Committee of Safety have attended to the different matters contained in your letter of the 25th ultimo, and are very sorry to find the disagreeable situation to which the well affected in Westchester county may probably be reduced. They have come to several resolutions, which are enclosed, and have directed me to inform you that they cannot think of calling out the militia at present. They doubt not but Lieut. Col. Hammond will be able to raise a considerable number of volunteers, who, added to those already raised under Col. Humphrey, and such Continental troops as may be sent down, properly employed as scouts, will probably be sufficient to deter the enemy from making any considerable inroads into the country. As the business for which your committee was appointed is now put into the hands of commissioners, I am directed to require your attendance in Convention, the advice and assistance of all the members being peculiarly necessary at this juncture.

"Yr. mo. obt. servt.

Ordered, That Mr. Pettit cause the bell belonging to this House to be rung without delay.

A letter from Mrs. Lydia Watkins, directed to Mr. Wm. Harper, a member, enclosing an account of grain, vegetables, &c. the property of the said Mrs. Watkins, and which were destroyed by the Continental troops and cattle at Harlaem Heights, was read.

Ordered, That the said account be referred to the committee of accounts to be audited, and that when reported, it be transmitted as reported to the Quarter-Master-General of the Continental army.

Resolved, That a committee be appointed to devise ways and means for the more effectual recruiting the levies for the five Continental regiments recruiting in this State.

Ordered, That Mr. Duane, Mr. William Smith and Mr. Ten Broeck be the committee.

A pay roll of a company of rangers, raised in Charlotte county, whereof Joshua Conkey is captain, marked No. 5, commencing on the fifth day of December and ending on the third day of January last, and sworn to by Joshua Conkey, the captain, before John Williams, Esq. chairman of Charlotte county, was exhibited for payment. Thereon is endorsed a certificate of Benjn. Newkerk and Mat. Adgate, two of the committee of Convention for auditing accounts, dated the 29th February, and certifying that they have examined the said roll, and do allow thereon the sum of £90 4*s*. 4¾*d*. to Capt. Joshua Conkey and company.

A subsistence roll of the said company, from the said fifth day of December to the third day of January last, both days included, marked No. 6, and sworn to in like manner, was also exhibited for payment. Thereon is endorsed a certificate of the said two auditors, dated the 29th February, certifying that they have examined the said roll, and do allow thereon the sum of £62 12*s*. 6¾*d*.

A pay roll of the said company of rangers, marked No. 7, commencing the 4th of January, and ending the 2nd of February last, both days included, sworn to in like manner, was also exhibited for payment. Thereon is endorsed a certificate of the said two auditors, dated the first instant, certifying that they have examined the said pay roll, and do allow thereon the sum of £104 15*s*. 8¼*d*.

A subsistence roll of the said company, marked No. 8, commencing the 4th of January and ending the 2nd of February last, both days included, sworn to in like manner, was also exhibited for payment. Thereon is endorsed a certificate of the said two auditors, dated the first instant, certifying that they allow thereon the sum of £74 6*s*. 5¾*d*. to Capt. Joshua Conckey, and company.

A pay roll of Capt. Isaac Moss's company of rangers, raised in the county of Charlotte, marked No. 13, commencing on the 5th day of December, and ending on the 4th day of January last, both days included, and appearing to be sworn to by the said Capt. Isaac Moss, before John Williams, Esquire, chairman, was exhibited for payment. Thereon is also endorsed a certificate of the said two auditors, bearing date the first instant, and certifying that they have examined the said roll, and allow thereon the sum of £112 2*s*. 10*d*. to Capt. Isaac Moss and company.

A subsistence roll of Captain Moss's company, marked No. 14, commencing the 5th day of December, and ending the 4th day of January last, both days included, and appearing to be sworn to by the said Isaac Moss, before the said chairman, was exhibited for payment. Thereon is also endorsed a certificate of the said two auditors, dated the first day of March, instant, certifying that they allowed thereon the sum of £80 15*s*. 1*d*. to Captain Isaac Moss and company.

A pay roll of Captain Isaac Moss's said company of rangers, marked No. 15, commencing the 5th day of January, and ending on the 3rd day of February last, both days included, and appearing to be sworn to by the said Capt. Isaac Moss, before the said chairman, was exhibited for payment. Thereon is endorsed a certificate of the said two auditors, that they had examined the said pay roll, and do allow thereon the sum of £116 5*s*. 4*d*. for pay to the said Isaac Moss and company.

A subsistence roll of Capt. Moss's said company, marked No. 16, commencing on the 5th day of January and ending on the 3rd day of Feb. last, both days included, and appearing to be sworn to by the said Capt. Isaac Moss, before the said chairman, was exhibited for payment. Thereon is endorsed a certificate of the said two auditors, that they have examined the said subsistence roll, and do allow thereon the sum of £83 10*s*. 7*d*. for subistence, to Capt. Isaac Moss and company.

Resolved, That the Committee of Safety agrees with their auditors in their several reports, on the said pay and subsistence rolls.

AND WHEREAS, Mr. Edward Savage, who has attended with the said rolls, is not authorized to receive the several sums due thereon,

Resolved and Ordered, That the Treasurer of this State transmit the sum of £724 2*s*. 11½*d*. being the amount of the said several pay and subsistence rolls, due to the rangers raised in Charlotte county by Edward Savage, a lieutenant of one of the said companies, to the chairman of the committee of Charlotte county, who is hereby directed, authorized and required to pay to each captain the sum due to each respective company on the said pay and subsistence rolls, and take a proper receipt of each of the said captains, and transmit the same to the said Treasurer.

AND WHEREAS, Capt. Josiah Conckey and Capt. Isaac Moss have each transmitted an account of bounty due sundry men enlisted into his company, which remains unpaid: AND WHEREAS the Captains Conckey and Moss, and Lieutenant Savage, or the committee of Charlotte county, have not returned to the Convention a roll of the names of the men for whom money was advanced for bounty on the 4th of January last, pursuant to the order of that day, nor have accounts or vouchers been returned for the whole amount of the moneys on that day advanced for the said rangers, amounting in the whole to the sum of £524 14*s*. 2*d*. nor for the other sums before that time advanced for the said rangers: Therefore,

Resolved, That no farther sum be advanced for bounty to any rangers in Charlotte county, until proper vouchers be returned for all the money heretofore issued for their use.

Ordered, That the Secretary transmit a certified copy of the aforegoing resolutions, to the chairman of the committee of Charlotte county.

MONDAY AFTERNOON, *March* 3, 1777.

The Committee of Safety met pursuant to adjournment.

PRESENT—Genl. Ten Broeck, *President.*

Mr. Duane, Mr. P. Livingston, Mr. Dunscomb, Major Van Zandt, Capt. Rutgers, Mr. Beekman—*New-York.*

Mr. Morris, Mr. Mills, Mr. Lockwood—*Westchester.*

Genl. Ten Broeck, Mr. Gansevoort, Mr. Ten Broeck—*For Albany.*

Capt. Platt—*For Dutchess.*

Mr. Wisner—*Orange.*

Major Lawrence—*Queens.*

Mr. Smith, Mr. Hobart—*For Suffolk.*

Col. Dewit, Mr. Ray, Major Tappen—*For Ulster.*

Mr. Veder, Mr. Harper—*Tryon.*

Mr. Stevens—*Cumberland.*

The memorial of Nathaniel Platt, late captain of a company in the regiment of militia drafts, whereof Josiah Smith was colonel, was read and committed to Mr. Gansevoort, Col. Dewit and Mr. Mills.

The committee appointed to audit accounts, reported an account by them audited, of James Magee, one of the persons appointed by the Committee of Safety by their resolution of the 9th of October last, to purchase clothing of different kinds in the county of Albany, for the use of the troops raised in this State—the said account amounts to £102 19*s.* 6*d.* An account of John McCarty, the person of whom Mr. McGee purchased the goods, as also a receipt signed by Jere. Van Rensselaer, paymaster to the third battallion of Continental troops raising in this State, acknowledging the receipt of those goods for the use of the said battalion, accompanied the account of Mr. Magee as vouchers.

Ordered, That the Treasurer of this State pay to Captain James Magee the sum of one hundred and two pounds nineteen shillings and six pence, in full for his account for stockings and mittens by him purchased in the county of Albany, pursuant to the resolutions of the Committee of Safety of the 9th of October last, and delivered to Jer. Van Rensselaer, paymaster to the 3rd battallion, of Col. Gansevoort's regiment, for the use of said regiment, and take his receipt for the same.

Resolutions for sequestering the estates of persons gone over to the enemy, were read, and committed to Mr. Duane, Mr. Morris and Capt. Platt.

Mr. Gansevoort, from the committee to whom was referred the letter from General Wooster, reported the following resolution, which was read and agreed to, to wit:

Resolved, That Mrs. Sarah Grant, wife to Capt. Alexander Grant, be permitted, with her family and effects, (excepting cattle, horses and provisions,) to repair to the city of New-York, and that Genl. Wooster, or officer commanding the Continental forces in Westchester county, be requested to send a guard with Mrs. Grant to convey her, with her family and effects as aforesaid, to the enemy's lines at King's Bridge.

Ordered, That a copy of the aforegoing resolution be transmitted to General Wooster.

A letter signed Ja. Sullivan, as chairman of the committee of the House of Representatives, dated at Boston, Feby. 9th, enclosing an act to prevent monopolizing, and a resolution prohibiting, certain articles therein enumerated, was read, and committed to Mr. Hobart, Mr. R. R. Livingston and Mr. Jay.

Mr. Adgate, from the committee of accounts, delivered in their report on the account of Mrs. Lydia Watkins, for the damage received by the Continental troops, &c. which was read and ordered to lie on the table for the perusal of the members.

A letter from the committee of Kingston requesting some direction with respect to the effects of Cor. Clopper, who, as is said, is gone over to the enemy, was read.

Agreeable to order, the commissioners for inquiring into, detecting and defeating all conspiracies, &c. sent a copy of the proceedings on the case of Malcom Morrison.

Ordered, That the same lie on the table for the perusal of members.

TUESDAY MORNING,
March 4, 1777.

The Committee of Safety met pursuant to adjournment.

PRESENT—Genl. Ten Broeck, *President.*

Mr. Duane, Mr. Denning, Major Van Zandt, Mr. Dunscomb, Capt. Rutgers, Phil. Livingston—*For New-York.*

Majr. Lawrence—*Queens.*

Col. Van Cortlandt, Mr. Morris, Mr. Mills, Major Lockwood—*For Westchester.*

Genl. Ten Broeck, Mr. Gansevoort, Mr. Adgate, Mr. Ten Broeck—*For Albany.*

Robt. R. Livingston, Capt. Platt—*Dutchess.*

Mr. Stevens—*Cumberland.*

Mr. Harper, Mr. Newkerk, Mr. Veder, Mr. Paris—*For Tryon.*

Mr. Smith, Mr. Hobart—*For Suffolk.*

Mr. Ray, Col. Dewit, Maj. Tappen, Mr. Contine—*Ulster.*

Mr. Wisner—*Orange.*

Mr. Morris, from the committee to whom was committed the resolutions for sequestration of the personal property of such of the inhabitants of this State as are gone over to the enemy, delivered in their report, which was read, amended and agreed to, and is as follows:

[Report not entered on the minutes.]

On motion of Capt. Zep. Platt,

Resolved, That a committee be appointed to prepare and report an act of grace for all such persons as have been sent out of this State by the committee for detecting conspiracies, or confined within this State by their order, or by order of any other committee in this State, charged with notorious disaffection to the American cause, and not charged with treason against this or any of the neighbouring States.

Ordered, That Capt. Zeph. Platt, Mr. Morris and Mr. Hobart, be the committee.

Ordered, That R. R. Livingston, be excused his attendance on the committee for apprehending and examining Cummins, Crookshanks and others; and that Mr. Phil. Livingston be added to the said committee.

Ordered, That the committee appointed to prepare and report a system of government, meet this afternoon at 4 o'clock.

WEDNESDAY MORNING,
March 5, 1777.

The Committee of Safety met pursuant to adjournment.

PRESENT—Brigr. Genl. Ten Broeck, *Prest.*

Mr. Duane, Capt. Rutgers, Major Van Zandt, Mr. Dunscomb, Mr. Denning, Mr. Phil. Livingston—*For New-York.*

Mr. Wisner—*For Orange.*

Major Lawrence—*For Queens.*

Mr. Veder, Mr. Paris, Mr. Newkerk—*For Tryon.*

Genl. Ten Broeck, Mr. Ten Broeck, Mr. Adgate, Mr. Gansevoort—*For Albany.*

Mr. Hobart, Mr. Smith—*For Suffolk.*

Capt. Platt, Mr. R. R. Livingston—*For Dutchess.*

Mr. Stevens—*For Cumberland.*

Major. Tappen, Mr. Rea, Mr. Contine, Col. Dewit—*For Ulster.*

Mr. Morris, Mr. Mills, Major. Lockwood—*For Westchester.*

Mr. Gansevoort, from the committee appointed for that purpose, reported a draft of a bond to be executed by Henry I. Van Rensselaer and his sureties for the faithful discharge of the office of commissioner of the loan office in this State for borrowing money for the Continental use; the same was read, amended and approved of, and is as follows:

"Know all men by these presents, that we Henry I.

Van Rensselaer, of Claverack, in the county of Albany, commissioner within the State of New-York, for superintending the loan office, established according to a resolution of Congress of the 3rd October, 1776, for borrowing money for the use of the United States of America; and are held and firmly bound unto Peter V. B. Livingston, Esquire, Treasurer of the State aforesaid in the sum of twenty thousand pounds New-York currency, to be paid to the said P. V. B. Livingston, or to his successors, Treasurers of the said State; for the payment whereof we do bind ourslves, our heirs, executors and administrators jointly and severally by these presents. Sealed with our seals, dated the of 1777.

"The condition of this obligation is such that if the above bounden Henry I. Van Rensselaer, shall in all things, well and faithfully perform the duty of such a commissioner as aforesaid, according to the true intent and meaning of the said resolution, then and in such case the above obligation to be void, else to remain in full force and virtue."

Ordered, That a copy of the same, together with a copy of the resolutions, directing Mr. Van Rensselaer to enter into bond with security for the faithful execution of his office, be transmitted to him by the President; and that he be requested to send the names of his securities for the approbation of this Committee as soon as possible.

Resolved, That all bonds, obligations or contracts which have been or may be entered into by individuals or bodies politic, to or with the Treasurer of this State for the time being, shall enure to his successor, or successors in the said office, to be by him or them prosecuted and recovered upon, for and on the behalf of this State in like manner as if the said Treasurer and his successors had been constituted a sole corporation.

The committee to whom was referred the memorial of Capt. Nathaniel Platt, delivered in their report, which was read, and thereupon resolved:

Whereas divers officers of the militia in the counties of Suffolk, Queens and Kings, have, as it hath been alleged, advanced sundry sums of money as pay, bounty, or subsistence to their soldiers on account of this State, which sums of money cannot now be by them recovered by reason of the dispersion of the said soldiers throughout the said counties now in possession of the enemy, and other parts of this and the neighbouring States, and of the loss of the several vouchers for the payment of the said several sums.

Resolved, therefore, That the said officers do return, upon oath, particular accounts of the monies by them so advanced, together with the vouchers for the same, or in default thereof, that they make proof of the loss of such vouchers; and that they also return the pay rolls of the men under their command, specifying therein the names of such as are in the power of the enemy; and that where such several sums do not exceed the pay, bounty and subsistence respectively due to the several soldiers under their command, they be allowed such several sums; and where such several sums do exceed the pay, bounty and subsistence respectively due as aforesaid, then that they be allowed the whole of the pay due to the said soldiers respectively, and no more.

Ordered, That the said resolution be published in the newspapers.

Ordered, That the Treasurer of this State pay unto Egbert Benson, one of the commissioners appointed to enquire into, detect and defeat all conspiracies, the sum of five hundred and seventy-eight pounds, eleven shillings and one penny, for the purpose of discharging sundry accounts of expenses contracted by the late committee for inquiring into, detecting and defeating all conspiracies, &c. as audited by Nathaniel Sacket, Esquire, late a member thereof; and also the further sum of two hundred and sixty-one pounds, thirteen shillings and five pence, for defraying the necessary expenses of the commissioners appointed to inquire into, detect and defeat all conspiracies which may be formed in this State, against the liberties of America: And

Ordered, That the Treasurer pay the first above mentioned sum to Zephaniah Platt, and take his receipt on behalf of Mr. Benson.

The committee for auditing accounts reported an account of Capt. Nathaniel Platt, amounting to £76 18*s*. 4*d*. for the expenses of transporting and collecting a number of arms and accoutrements, swords, three casks of powder, eighteen tents and three marquees, belonging to this State, from the State of Connecticut to Fishkill, and which were brought off from Long Island.

Ordered, That the Treasurer of this State pay unto Capt. Nathaniel Platt the sum of £76 18*s*. 4*d*. in full for his account of expenses in collecting and transporting a parcel of arms, accoutrements, swords, marquees, tents and three casks of powder, belonging to this State, from the State of Connecticut to Fishkill, which said arms, &c. were brought off from Long island, and take his receipt for the same.

An account of Daniel Dunscomb against the State, for salt purchased of sundry persons in May and June, 1776, for laying up a magazine of pork in Westchester county, and for disbursements by him paid for freight and storage of the said salt, was exhibited for payment. Thereon is endorsed a certificate of Matthew Adgate and Benjamin Newkerk, two of the committee for auditing accounts, certifying that they have examined the within account of Daniel Dunscomb, Esquire, and are of opinion that he be allowed the sum of forty-four pounds, six shillings and two pence halfpenny, for the same.

Ordered, That the Treasurer of this State pay to Daniel Dunscomb, Esq. the said forty-four pounds, six shillings and two pence halfpenny, in full of his demand on the said account, and take his receipt for the same.

An account of David Lyons, for riding three days in the public service, to hasten the marching of the militia of Dutchess to Westchester county, was exhibited for payment. Thereto is subjoined a certificate of Matthew Adgate and Benjamin Newkerk, Esqrs. two of the auditors, that they allow the sum of two pounds eight shillings to David Lyons for his services.

Ordered, That the Treasurer pay to the said David Lyons, on his receipt, the said sum of two pounds eight shillings for his said account.

JOURNAL

OF THE

PROVINCIAL CONVENTION.

THURSDAY MORNING.

March 6th, 1777.

The Convention met.

Present—Brigr. Genl. Ten Broeck, *President*.

Mr. Philip Livingston, Mr. Duane, Mr. Dunscomb, Maj. Van Zandt, Col. Lott, Mr. Rutgers, Mr. Denning—*For New-York*.

Mr. R. R. Livingston, Capt. Platt, Mr. Henry Schenk—*For Dutchess*.

Maj. Lawrence—*For Queens*.

Genl. Ten Broeck, Mr. Ten Broeck, Mr. Gansevoort, Mr. Adgate—*For Albany*.

Mr. Wisner—*Orange*.

Mr. Morris, Col. Drake, Mr. Mills, Maj. Lockwood—*For Westchester*.

Mr. Smith, Mr. Hobart—*For Suffolk*.

Maj. Tappen, Mr. Cantine, Mr. Ray—*Ulster*.

Mr. Paris, Mr. Veder, Mr. Newkerk—*For Tryon*.

Mr. Stevens—*Cumberland*.

A letter from the Honourable John Hancock, dated Baltimore, January 18, in answer to the letter of Convention of the 28th December last, on the subject of clothing, and enclosing resolutions of Congress of the 16th of January, approving of the spirited exertions of this State and of the address of the Convention to the inhabitants, and appointing a committee to inquire into the conduct of the Hessian officers and soldiers, were respectively read.

A circular letter from Congress, dated Baltimore, January 31, signed John Hancock, President, enclosing the Declaration of Independence, with the names of all the members of Congress that subscribed the same, and a resolution that the same be put on record and preserved among the archives of the several United States, were read.

Another letter from the Honourable John Hancock, dated Baltimore, Feby. 20th, enclosing an extract from the minutes of the committees appointed by the States of Massachusetts Bay, Connecticut, New-Hampshire and Rhode Island, Providence Plantations, on the subject of regulating the prices of provisions, &c. in those States, and the resolutions of Congress of the 15th of February on the subject of these extracts; the resolutions recommending the several Legislatures of the several States to take the most effectual means for manning the Continental frigates, and recommending to the United States to avoid as much as possible the further emission of paper currency, and sinking that already emitted, were respectively read.

A letter from the Honl. Francis Lewis, Esquire, dated the 18th February, on the subject of this State being unrepresented in Congress, was also read.

Ordered, That all the aforegoing letters, with the enclosures, be committed to Mr. Robt. R. Livingston, Mr. Morris and Mr. Duane.

A letter from John Barclay, Esquire, chairman of Albany committee, dated the 14th February, on the subject of the prohibition in the eastern States, was read, and committed to the same committee, to whom was also committed the letter from Boston on the same subject.

A letter from General Bayley, dated at Newburg, February 26, and a letter from General Schuyler, dated the 4th inst. both on the subject of Hoisington's rangers, were read, and committed to Col. De Witt, Mr. Stevens and Mr. Gansevoort.

A letter from Major Daniel Torboss, at Fishkill Landing, dated February 20, informing of his having purchased a quantity of iron from Capt. Redfield, which iron is now claimed by Mr. Hughes, quarter master-general's deputy, as Continental stores, was read, and committed to Mr. Denning and Major Laurence.

A letter from John Henry, commissary of the clothing store of this State at Fishkill, dated the 4th instant, acknowledging the receipt of two thousand dollars, conveyed to him by Capt. Belknap, from the Treasurer, by order of the Committee of Safety, and requesting a further sum, to enable him to discharge sundry demands, and to purchase clothing, &c. was read; and thereupon,

Ordered, That the Treasurer of this State advance to Mr. John Henry, commissary of the clothing store of this State, at Fishkill, the sum of two thousand dollars; he to be accountable for the expenditure of the same; and that

the Treasurer send the said money to Mr. Henry by Mr. Theodorus Brett.

A letter from Col. Henry B. Livingston, directed to John Ten Broeck, Esq. a member of this House, on the subject of making an allowance to the recruiting officers, empowering him to purchase leather caps for his men, and to purchase arms, was read, and committed to Mr. Zep. Platt, Col. Lott and Mr. Wisner.

The resolutions appointing commissioners in the several counties, for taking into possession, and exposing to sale the personal property of persons gone over to the enemy, were again read, amended and approved, and are as follows:

WHEREAS divers ill disposed persons, inhabitants of this State, being unmindful of the great duties they owe to the same, have joined our cruel and inveterate foes; and the effects of such persons and of divers others now with the enemy, are liable to waste, or may be employed for wicked purposes within this State, or consist of goods and merchandize useful to the well affected inhabitants of the same, in consideration thereof, and for divers other good causes and considerations,

Resolved, That the commissioners hereinafter named, do take into their custody and possession, all the personal property of the persons aforesaid, and do cause the same to be sold at public vendue, upon notice thereof given at least ten days before the day of sale, and do file with the Treasurer of this State, accounts of the sale of such property, and do deposit the nett amount thereof, together with such moneys as they shall find belonging to the persons aforesaid, in the treasury, to be hereafter paid to the respective owners thereof, or otherwise disposed of at the discretion of the Legislature of this State; leaving, nevertheless, to each of the families of the persons aforesaid, their apparel, necessary household furniture, and as much provisions as will be sufficient for their subsistence for three months.

Resolved, That for the due execution of the foregoing resolutions within the several counties of this State, the following persons be, and they hereby are, appointed commissioners, with the powers and authorities aforesaid; and also with the power of sending for papers and examining witnesses on oath, in the said counties respectively, viz: for the city and county of Albany, Cornelius Cuyler, of Schenectady, Harmanus Wendell, of the city of Albany, and Peter Van Ness, of Claverack, Esquires; for the county of Dutchess, Anthony Hoffman, Ephraim Payne and Theodorus Van Wyck, Esquires; for the county of Westchester, Stephen Ward, Samuel Drake and Israel Honeywell, Jr. Esquires; for the county of Ulster, Patrick Barber, Benjamin Smedes, Junr. and Johannes Sleight, Esquires; for the county of Orange, Jesse Woodhull, John Coe and Guysbert Kuyper, Esquires; for the county of Tryon, Frederick Fisher, John Eisenlord and John Harper, Esquires; for the county of Cumberland, James Clay, Amos Robertson and Israel Smith, Esquires.

AND WHEREAS this House, for want of information, cannot at present fix upon suitable commissioners for the counties of Charlotte and Gloucester;

Resolved, therefore, That the appointment of commissioners for the said counties be deferred.

Resolved, That each of the said commissioners be allowed, besides the incidental charges in executing this trust, the sum of sixteen shillings per day, for their expenses and trouble while actually employed therein; and that they do before they enter upon the said business, take and subscribe before the chairman of the committee of their respective counties, the following oath, viz:

"I, A B, do solemnly swear and declare, that I will, to the best of my knowledge and ability, execute the trusts reposed in me by the aforegoing resolutions, without fear, favour, affection, partiality, or hope of reward, so help me God."

Resolved, That all and singular the powers and authorities, by the aforegoing resolutions given the said commissioners, be vested and exercised in and by any two of those named for the several counties, within the said counties respectively.

Ordered, That a copy of the said resolutions be sent to one of the Commissioners in each county, and that he be requested to communicate the same to the other commissioners in his county, and to the chairman of the county committee thereof.

On motion of Mr. Gansevoort,

Resolved and Ordered, That the committee appointed to prepare a system of a form of government for this State, report on Wednesday next.

The committee for auditing accounts reported a pay roll of Capt. Baldwin's company of rangers, commencing February 1st, and ending February 28th, that the same ought to be paid.

Resolved, That the Convention agrees with their auditors in the said report and allowance. And

Ordered, That the Treasurer of this State pay to Capt. Alexander Baldwin, for himself and his company, the sum of £172 16*s*. for the said pay roll, and take a receipt for the same.

The committee for auditing accounts reported a subsistence roll of Capt. Baldwin's company of rangers, commencing Feby. 1, and ending February 28, that the same ought to be paid.

Resolved, That the Convention agrees with their auditors therein. And

Ordered, That the Treasurer of this State pay to the said Alexander Baldwin, on his receipt in full for the said account, the sum of one hundred and ten pounds, thirteen shillings and five pence, for the said subsistence roll.

Adjourned.

FRIDAY MORNING,

March 7th, 1777.

The Convention met pursuant to adjournment.

PRESENT—Brigadier-Genl. Ten Broeck, *President*.

Mr. Duane, Mr. Dunscomb, Col. Lott, Mr. Beekman, Mr. Denning, Major Van Zandt, Capt. Rutgers—*For New-York*.

Major Lawrence—*Queens*.

Mr. Veder, Mr. Paris, Mr. Newkerk—*For Tryon*.

Genl. Ten Broeck, Mr. Ten Broeck, Mr. Gansevoort—*For Albany*.

Mr. R. R. Livingston, Capt. Platt, Mr. Henry Schenk—*Dutchess*.

Mr. Morris, Mr. Mills, Major Lockwood, Col. Drake—*Westchester*.

Mr. Stevens—*For Cumberland*.

Mr. Hobart, Mr. Smith—*For Suffolk*.

Maj. Tappen, Mr. Cantine, Mr. Rea—*Ulster*.

Col. Allison, Mr. Wisner—*Orange*.

A letter from General Schuyler, dated Albany, March 4, 1777, on the subject of the iron stoves made by Mr. Patrick for the use of the northern department, and requesting Convention to pay off the account of the said stoves, amounting to £598 13*s*. 0*d*. to the person entitled to receive the same, and make a Continental charge thereof, or draw upon the deputy quarter-master-general of the northern department, as may best suit them, was read. Thereupon,

Ordered, That the Treasurer of this State pay to the executor or executors of Saml. Patrick deceased, the sum of £598 13*s*. in full for his account of iron stoves manufactured at the Forest of Dean, for the use of the troops in the northern department, and that the Treasurer draw on the deputy quarter-master-general of the said department for the said sum.

A letter from David Gelston, Esqr. dated at Middletown, Feb. 24, enclosing the list of the marks and weight of four barrels of saltpetre, which he has sent to Convention by Mr. Noadiah Hubbard, containing 1123lbs. nett, was read.

Ordered, That Mr. Wisner, Senr. received the said saltpetre, and pass his receipt in behalf of this State for the same.

The petition of John Cooper, of Fishkill, on the subject of perpetuating some testimony relative to a claim on some lands at Kinderhook, was read, and for want of a Chancellor, ordered to lie on the table.

Resolved, That Mr. Hobart and Mr. Robert Yates be and are appointed commissioners on behalf of this State, to meet the commissioners of the States of New-Jersey, Pennsylvania, Delaware, Maryland and Virginia, on the third Monday of March instant, at Yorktown in Pennsylvania, pursuant to the resolutions of Congress, of the 15th February last; and that they be allowed each four dollars per day, during the time they shall be employed in the said service.

Ordered, That Mr. Hobart inform Mr. Yates of the aforegoing resolution, by express, and request his attendance without delay.

A certificate, dated at Claremont, Jany. 25th, 1777, and signed John R. Livingston, certifying that Mr. Abraham Wempel of Schenectady, has made in this State and brought to the powder mills, three hundred and sixty-five pounds of good merchantable saltpetre, for which he ought to be paid nine shillings per pound, according to a resolution of the Convention, was read:

Ordered, That the Secretary make out an account of the said saltpetre at eight shillings and six pence per pound, that being the price allowed by the resolution referred to in Mr. Livingston's certificate; And,

Ordered, That the Treasurer of this State pay to Mr. Abraham Wempel, or his order, the sum of £155 2*s*. 6*d*. for 365 pounds of saltpetre at 8*s*. 6*d*. per pound, by him manufactured in this State, and delivered at Mr. Jno. R. Livingston's powder mill.

Mr. Morris, from the committee for the purpose appointed, reported the resolutions as an act of grace to such of the inhabitants who are gone, or sent out of the State, or confined as disaffected persons. The same being read by paragraphs and amended, were agreed to, and are as follows:

"Whereas divers persons, inhabitants of this State, have, for notorious disaffection to the liberties of America and other sufficient causes, been sent into some or one of the neighbouring States, or confined within this State by parol or otherwise: And whereas divers of the said persons have, by their humble petition to this Convention, prayed to be admitted as liege subjects of this State, testifying their determined resolution to exert their utmost endeavours in its defence: And whereas this Convention is at all times desirous of restoring to society all those members who have not by their crimes rendered themselves unworthy of being partakers in the exalted privileges of freemen: Therefore,

Resolved, That the commissioners appointed within this State to inquire into, detect and defeat all plots and conspiracies against the rights and liberties of America, within this State, be, and they hereby are directed and empowered to send for all such persons, members of this State, as are confined by parol or otherwise within or without this State, excepting those who are charged with taking up arms against the United States, with enlisting men for the service of the enemy, accepting a warrant or commission for that purpose, supplying them with provisions, or conveying intelligence to them; and that they do tender to each of them an oath, or if of the people called Quakers, an affirmation, that he will bear true faith and allegiance to the State of New-York; that he will discover all plots and conspiracies which may come to his knowledge, against the said State, or the United States of America; that he will do his duty as a good subject of the said State; and that he takes the said oath or affirmation without any mental reservation or equivocation whatsoever, and means faithfully and honestly to perform the same. That such of the said persons as shall take and subscribe the said oath or affirmation, be discharged; and that such of them as shall for six days after the same shall be tendered to them respectively, refuse to take and subscribe the said oath or affirmation, receive a pass and be directed to repair, with their families, apparel and household furniture, to the city of New-York, or some other place in the possession of the enemy; and in default of their obedience of such direction within the time for that purpose by the said commissioners to be limited, that they be confined in close jail, and otherwise treated as the open enemies of this State. And further,

Resolved, That such of the said persons as shall not, after being so as aforesaid sent for, appear before the said commissioners within a time for that purpose by the said commissioners to be limited and appointed according to their respective distances, and other circumstances, shall be considered as having gone over to the enemy. And the personal property of such persons shall be seized and sold at public vendue, and the money arising therefrom shall be paid into the Treasury of this State, and be subject to the disposition of the future Legislature thereof: unless, upon the appearance of such delinquents before the said commissioners previous to such sale of their personal property, a sufficient reason be assigned for their non-attendance.

Ordered, That a copy of the aforegoing resolutions be transmitted to the commissioners appointed to detect all conspiracies, &c. and that they be requested to cause the same to be published in the newspapers and printed in as many handbills as they may think necessary to be distributed. On motion,

Resolved, That two persons be appointed and added to the number of commissioners appointed to inquire into, detect and defeat all conspiracies, &c.

The House then proceeded to elect by ballot, two persons for that purpose, and Peter M. Contine and Joseph Strang, Esqrs. were elected: Therefore,

Resolved, That Peter M. Contine and Joseph Strang, Esquires, be, and they are hereby, added to the number of commissioners appointed for the purpose of inquiring into, detecting and defeating all conspiracies which may be formed in this State against the liberties of America.

SATURDAY MORNING,

March 8, 1777.

The Convention met pursuant to adjournment.

Present—Brigr. Genl. Ten Broeck, *President*.

Col. Lott, Capt. Rutgers, Mr. Dunscomb, Mr. Denning, Mr. Beekman, Major Van Zandt, Mr. Duane—*For New-York*.

Major Lawrence—*For Queens*.

Major Lockwood, Col. Drake, Mr. Mills—*For Westchester*.

Genl. Ten Broeck, Mr. Ten Broeck, Mr. Adgate, Mr. Gansevoort—*For Albany*.

Col. Allison, Mr. Wisner—*For Orange*.

Mr. Paris, Mr. Veder, Mr. Newkirk—*For Tryon*.

Mr. Smith, Mr. Hobart—*For Suffolk*.

Major Tappen, Mr. Rea, Col. De Witt—*For Ulster*.

Capt. Platt, Mr. H. Schenk, Mr. R. R. Livingston—*For Dutchess*.

Mr. Stevens—*For Cumberland*.

A letter from General Scott, dated Fishkill, March 7, 1777, wherein he suggests the propriety (if the enemy should evacuate the city of New-York, as is reported,) of ordering down a body of militia of this State, to take possession of it before the Connecticut militia enter the same; and offers his services to take the command, was read, and committed to Capt. Platt and Mr. Gansevoort.

A letter from Philip Connyne, chairman of Coxsackie district, enclosing the depositions of Cornelius Connine, Harmanus Schuyler, Richard Van Den Bergh, Thos. Hooghtaling and Henry Van Bergen, relative to the conduct and language of Richard Thurman, at the time when Capt. Hooghtaling's company of militia was mustered for the purpose of drafting every fifth man to march and reinforce the garrison of Ticonderoga by order of Genl. Schuyler, was read.

Ordered, That the same be referred, and transmitted to the commissioners for inquiring into, detecting, &c. all conspiracies, &c.

A report of Robert Boyd and Samuel Brewster, Esquires, relative to the Forest of Dean furnace, was read. And

Ordered, That Major Tappen and Mr. Denning, be a committee to confer with Mr. Boyd on the subject, and make report.

A letter from the Honble. John Hancock, President of Congress, dated Jany. 24, on the subject of this State being unrepresented in Congress; and two letters from the Honourable Francis Lewis, the one dated Jany. 16, and the other Jany. 31, were respectively read, and committed to the same committee to whom was referred the letters from Mr. Hancock, received on the 6th inst..

A letter from the Honourable Samuel Chase, dated Baltimore, January 23d, enclosing a printed resolve, appointing a committee to inquire into the conduct of the Hessian generals and officers, towards the troops and inhabitants of the United States, was read, and committed to Mr. Morris.

A letter, signed Ml. Hillegus, Continental Treasurer, without a direction, dated Baltimore, February 16, 1777, brought by Mr. Wm. Dodd, (together with the Continental loan office certificates for this State,) containing a list of the quantity and denomination of the said certificates and directions to be observed by the commissioner of the said loan office in this State, was read. And thereupon,

Resolved, That the commissioner for borrowing money in this State, be informed that the Continental loan office certificates for such money have arrived, and that he be requested to attend this House without delay. And

Ordered, That Gerard Bancker, Esqr. Vice-Treasurer of this State, do receive from Mr. Wm. Dodd the Continental certificates sent to the commissioner of this State by Ml. Hillegas, Esquire, the Continental Treasurer; that he keep them in safety till further orders; and that he give Mr. Dodd duplicate receipts for the same; and that he inform Mr. Hillegas by letter, that the commissioner resides in Albany, but is sent for to receive the certificates; and that receipts shall then be taken from him and forwarded agreeable to Mr. Hillegas's request.

On motion,

Ordered, That the keeper of the jail in Kingston be directed to take the irons from off Malcom Morrison, who is confined in the said jail.

WHEREAS, a certain James McGloghlen was, by order of the committee for detecting and defeating conspiracies, &c. sent to labour on board the Continental ships built at Poughkeepsie, and that he was afterwards sent by some person not authorized, to the jail in Kingston, wherein he is now confined:

Ordered, That the keeper of the jail at Kingston, be directed to discharge the said James McGloghlen.

The memorial of Wm. Malcom, in behalf of himself and the other owners of brigantine Janet, was read, and committed to Capt. Rutgers and Maj. Lawrence.

The committee to whom was referred the letter from Col. Henry B. Livingston, delivered in their report, which was read and agreed to, and is as follows, to wit:

"That Colonel Henry B. Livingston be requested to cause Samuel Brown to be sent to Dutchess county jail, there to be kept in safe custody, until some proper court be appointed for trial of the like offence with which he stands charged.

"That Col. Henry B. Livingston be empowered to purchase all the arms, that are private property of any of the soldiers in his regiment, provided they can be had at such prices as, in his judgment, may be reasonable; and that he transmit an account of the said arms, together with the prices of the same, to Convention, who will make provision for the payment of the same.

"That as to the leathern caps mentioned in Col. Livingston's letter, your committee are of opinion that, considering the great scarcity of leather and the singularity of leather caps, it will be imprudent to contract for them.

"That as to the allowance of twenty shillings per man to the recruiting officers, your committee are of opinion that as there is a committee appointed to consider of ways and means for filling up the regiments, it would be improper to make any further allowance at present."

An account of Capt. Nathaniel Platt, of Col. Smith's regiment of militia drafts raised on Long island, amounting to eight pounds, for the last half of the bounty allowed to the said drafts, by him paid to Nathaniel Smith, Matthew Beal and Thomas Peters, was read. The said account being duly sworn to, and audited by the committee of accounts; thereon,

Ordered, That the Treasurer of this State pay unto Capt. Nathaniel Platt, or his order, the sum of eight pounds, to reimburse him for the half bounty paid to Nathaniel Smith, Matthew Beal and Thomas Peters, privates of his company of militia drafts raised on Long island, and in Col. Smith's regiment.

A pay and subsistence roll of part of Capt. Nathaniel Platt's company of Col. Smith's regiment of drafts of the Long island militia, part of which joined Col. Henry B. Livingston's regiment, amounting to £141 17*s*. 8*d*. was read. The said roll being duly sworn to, was audited by the committee of accounts; thereon,

Ordered, That the Treasurer of this State pay to Capt. Nathaniel Platt the sum of one hundred and forty-one pounds seventeen shillings and eight pence, in full for the said pay and subsistence roll.

A pay roll of Capt. Marcus Demoth's company of rangers, raised in Tryon county, commencing the first day of January, 1777, to the 31st day of the same month, inclusive, amounting to £198 2*s*. 6*d*. sworn to by the said captain, and delivered in as audited by the committee for auditing accounts, as by them audited and allowed, was read, and thereupon,

Ordered, That the Treasurer of this State pay to Capt. Marcus Demoth the sum of £198 2*s*. 6*d*. in full for the said pay roll.

A subsistence roll of the said company of rangers, from the said first day of January to the 31st of the same month, inclusive, amounting to £151 6*s*. 10*d*. sworn to and audited, and delivered in like manner as the above pay roll, was read; thereupon,

Ordered, That the Treasurer of this State pay to Capt. Marcus Demoth the sum of £151 6*s*. 10*d*. in full for the said subsistence roll.

A pay roll of the said company of rangers, from the 1st day of February, 1777, to the 28th of the same month, amounting to £198 2*s*. 6*d*. sworn to, audited and delivered in like manner as the above pay and subsistence rolls, was read; thereupon,

Ordered, That the Treasurer of this State pay to Capt. Marcus Demoth the sum of £198 2*s*. 6*d*. in full for the said pay roll.

A subsistence roll of the said company of rangers, from the said first day of Feby. to the 28th of the same month, amounting to £136 16*s*. sworn to, audited and delivered in like manner as the above pay and subsistence rolls, was read; and thereupon,

Ordered, That the Treasurer of this State pay to Capt. Marcus Demoth the sum of £136 16*s*. in full for the said subsistence roll.

MONDAY MORNING,

March 10, 1777.

The Convention met pursuant to adjournment.

PRESENT—Brigr. Genl. Ten Broeck, *President*.

Mr. Denning, Maj. Van Zandt, Capt. Rutgers, Mr. Duane, Col. Lott, Mr. Beekman, Mr. Dunscomb—*For New-York*.

Major Lawrence—*For Queens.*

Mr. Morris, Col. Van Cortlandt, Judge Graham, Col. Drake, Major Lockwood, Mr. Mills—*For Westchester.*

Genl. Ten Broeck, Mr. Ten Broeck, Mr. Gansevoort, Mr. Adgate, Col. Van Rensselaer—*For Albany.*

Col. Allison—*For Orange.*

Mr. Stevens—*For Cumberland.*

Mr. Veder, Mr. Paris, Mr. Newkirk—*For Tryon.*

Mr. Hobart, Mr. Smith—*For Suffolk.*

Major Tappen, Mr. Rea, Col. Dewit—*For Ulster.*

Mr. Henry Schenk, Capt. Platt, Mr. R. R. Livingston—*For Dutchess.*

Mr. Wisner Senr. having absented himself without leave, by which means the county of Orange is unrepresented,

Ordered, That a messenger be despatched to notify Mr. Wisner, Senr. that his immediate attendance on Convention is required, and that Mr. Wisner pay the expense of the messenger.

Resolved, That the case of James Smith and James Acton, two persons confined in the jail of Kingston, charged with horse stealing, be referred to the committee of Kingston, who are authorized to take such measures in the premises as to them shall appear necessary.

A letter from the Honle. John Hancock, dated February 25, enclosing a resolution of February 24th, desiring this State to guard the passes in the Highlands with militia; and a letter from General Washington, dated at Morris Town, March 1st, relative to the arms carried off by the discharged troops, and requesting Convention to exert themselves in expediting the recruiting and equipping the battalions raising in this State, were respectively read and committed to Mr. R. R. Livingston and Mr. Duane.

The committee appointed to confer with Mr. Boyd on the subject of employing the furnace at the Forest of Dean, reported. And thereupon,

Resolved, That Mr. Leonard, the present possessor of that furnace, be informed that this Convention do not incline to engage in the iron works at the Forest of Dean, but that they will purchase, at a reasonable rate, all such cannon as upon due proof appear to be good, or any cannon ball which may be cast at the said works before the first day of November next.

The committee to whom was referred the letter from General Scott on the subject of the report of the enemy's evacuating New-York, reported the draft of a letter in answer thereto, which was read and approved, and is as follows:

"Sir—I am directed by the Convention to acknowledge the receipt of your favour of the 7th instant, and inform you that they have no reason to credit the report of the evacuation of New-York by the enemy, and are fully of opinion with you, that should such an event take place, it ought, if practicable, to be first entered by the troops from this State.

"Yours, &c.

"By order.

"To Genl. Scott."

Resolved, That such of the privates of Capt. Haasbrouck's company of rangers as have deserted, on returning the bounty by them received, and foregoing the pay and subsistence now due to them, be pardoned and discharged.

Resolved, That Anthony Rutgers and Benjamin Newkirk, Esqrs. be, and they hereby are, empowered to take such anchors and cables for the public service, as may be spared from the vessels now in Hudson's river, they paying to the owners the value thereof.

Resolved, That the inhabitants of this State in each town, borough, manor, precinct and district, do proceed to elect, at the usual time and place of election in each town, borough, manor, precinct or district, constables, overseers of the highway and of the poor, fence viewers, pound masters and four clerks.

Ordered, That copies of the aforegoing resolution be transmitted to the chairmen of the county committees, who are requested to send copies to the district committees, and that it be published in the newspapers.

The committee appointed to devise ways and means for expediting the recruiting service, delivered in a report, which was read and ordered to lie on the table for the perusal and consideration of the members.

Resolved, That the commanding officers of the five Continental regiments raising in this State, be requested to send returns of their respective regiments to this Convention, specifying particularly the number of men enlisted by each officer, to the end this Convention may be informed of the state of the said regiments, and know whether any and which of the said officers have been inattentive to the recruiting duty.

Resolved, That the sum of sixteen shillings, exclusive of what may be given by Congress, be allowed to each recruiting officer of the first, second, third, fourth and fifth battalions raising in this State, for every man who shall pass muster, that he hath enlisted or may hereafter enlist, for his expense and trouble in recruiting the same.

On reading a letter from Cadwallader Colden, Esquire, directed to and communicated by Mr. Denning, the Convention came to the following resolution, to wit:

Whereas Cadwallader Colden, Esq. has made application to this Convention for liberty to remove his family and effects to New-York:

Resolved, That Cadwallader Colden, Esq. be permitted on his parol, to repair to Fishkill, to the commissioners, &c. in order to take the benefit of a resolution of the 7th day of March, for discharging persons confined by parole or otherwise for inimical practices against the liberties of the American States, and that the Secretaries take the said parol: and,

Ordered, That the Secretaries deliver a copy of the said resolution of the said seventh day of March, for discharging persons confined by parol, to the jail keeper of the town of Kingston, and direct him to read the said resolutions to the prisoners in his custody, committed as inimical to the liberties of America.

On reading an account of sundry articles of clothing purchased by Philip Leek for the use of this State, and Mr. Leek's request that £200 may be paid on account to Major Lockwood, for the use of the said Philip Leek,

Resolved, therefore, That £200 accordingly be paid to Major Lockwood, for the use of Mr. Leek, on the President's warrant, on account of the said clothing.

That Mr. Leek be informed that he send the articles which he already hath, or hereafter may purchase, for the use of this State, to Mr. John Henry, commissary of clothing for Continental troops in this State, at the store at Fishkill.

That this Convention hath already procured a sufficient quantity of shirts, and that no more mittens will be necessary, and that he will therefore confine his future purchases to blankets, stockings, hats, leather breeches, osnaburgs or other stuff fit for overalls. And that the Secretary transmit a copy of this resolution to Mr. Leek.

Resolved, That a committee be appointed to devise ways and means to preserve the corn fields and meadow lands in those parts of Westchester county where the fences have been destroyed by the movements of the armies.

Resolved, That the members of Westchester county be a committee for that purpose.

DIE MARTIS, 10 ho. a. m.

March 11, 1777.

The Convention met pursuant to adjournment.

Present—Brigr. Genl. Ten Broeck, *Presidt.*

Col. Lott, Mr. Duane, Mr. Dunscomb, Mr. Beekman, Mr. Rutgers, Mr. Denning, Major Van Zandt, Mr. P. Livingston—*For New-York.*

Mr. Hobart, Mr. Wm. Smith—*For Suffolk.*

Col. Allison, Mr. Joseph Smith, Col. Sherwood—*For Orange.*

Genl. Ten Broeck, Mr. Adgate, Mr. John Ten Broeck, Mr. Ganseroort, Col. Van Rensselaer, Mr. Cuyler, Mr. Taylor—*For Albany.*

Mr. Tappen, Mr. Rea, Mr. Cantine, Col. Dewit—*For Ulster.*

Major Lawrence—*For Queens.*

Mr. Stevens—*For Cumberland.*

Col. Van Cortlandt, Major Lockwood, Judge Graham, Mr. Mills, Col. Drake, Mr. Morris—*For Westchester.*

Mr. Platt, Mr. R. R. Livingston, Major Schenk—*For Dutchess.*

Mr. Paris, Mr. Veder, Mr. Newkerk—*For Tryon.*

Messrs. Tappen and John Ten Broeck, of the committee appointed on the 25th and 28th ulto. to examine John Cummings and others, reported that they had taken the examinations, on oath, of the several persons who they were directed by Convention to examine, and delivered in the following examinations, which were read, viz:

1st. The examination and deposition of Cadwallader Colden, Esquire, taken the 5th instant.

2nd. The examination and deposition of Hugh Denniston, taken and sworn to the 7th inst.

3rd. The examination and deposition of John Cumming, Esq. sworn to and taken the 8th inst.

4th. The examination and deposition of Alex. Cruikshank, sworn to and taken the 10th instant.

On motion of Mr. Duane,

Ordered, That the Secretaries prepare copies of the said several examinations or depositions, and that they be transmitted to His Excellency, Genl. Washington.

Mr. Hobart informed the Convention that it will be absolutely necessary for the committee appointed to repair to York Town in Pennsylvania, to set off to-morrow. Therefore,

Resolved and Ordered, That Col. Robert Van Rensselaer be and is hereby appointed a commissioner in the stead of Robert Yates, Esq. (who is absent) to repair to York Town, in Pennsylvania, with Mr. Hobart, pursuant to the resolution of the 7th instant.

Major Lockwood, 1st major of the 2nd regiment of militia in Westchester county, delivered in a roll of the names of the several persons in Westchester county who have taken the oath or affirmation of allegiance before him, in obedience to the resolutions of the Representatives of this State of the 27th December last.

Mr. Duane (according to order) reported the draft of a letter to the Honourable Congress in answer to the several letters from the President thereof, of the 18th, 28th and 31st Jany. and 20th February, which was read and approved of, and is in the words following:

"*Kingston, 11th March,* 1777.

"Sir—I have the honour of your several favours of the 18th, 28th and 31st of January and the 20th of February, which have been laid before the Convention. I am directed to inform you that the Convention are relieved from great anxiety by the prospect which is held up in the resolution of the Honourable Congress of the of obtaining clothing for their levies. The commissary of clothing for this State is instructed to make a return to His Excellency General Washington of such necessaries as we have been unable to supply; and we flatter ourselves that the complaints of the troops on that head will soon be silenced. It gives the Convention great satisfaction that their efforts in the common cause meet with approbation; and for the particular attention which has been paid to their address to the inhabitants of this State, you will be pleased to communicate to Congress their thankful acknowledgments.

"We are sensible, Sir, of the necessity of keeping a constant and full representation at Congress, and can, therefore, only deplore those unfortunate circumstances which have rendered it impossible to do it, consistent with that regard which was due to the general welfare or the more immediate security of this State. Invaded on every side, contending with foreign enemies and intestine foes, and with all the evils of an unsettled and irregular government, besides the additional cares of contributing to the supply of two armies of the Continental troops, posted within the State, we could not but wish to avail ourselves of the assistance of every gentleman in whom the people reposed a confidence, or who could be useful in keeping up their spirits, counteracting the designs of our enemies, or in framing a government which may give vigour and stability to our present operations, and secure our future happiness and tranquillity; more especially as our dependence on the justice and wisdom of Congress left us no room for apprehending that the absence of our Delegates would be injurious to this State, or the general cause of America.

"We have now the pleasure to assure you that from the feeble operations of the enemy in New-York, their circumscribed posture, and repeated checks in New-Jersey, and the impracticability of their crossing the ice from Canada, our prospects brighten; that our Constitution is nearly settled, and that we hope in a short time to comply with the request of Congress, and to render any future resolutions on that head unnecessary.

"I am further directed sir, to assure you that the Convention will give the necessary orders for recording the Declaration of Independence of the Honourable Congress, and preserving it among the archives of this State.

"The Convention previous to the resolutions of Congress, respecting the prices of commodities, and the credit of the paper money, had taken those subjects under consideration, and esteem them to be of the utmost importance. Upon this occasion they passed the resolutions enclosed. The letter to the committee of the Massachusetts Bay, in answer to one from Mr. Sullivan, their chairman, copies whereof I have the honour to transmit, contain the reasons on which those resolutions are founded, and our objections to the mode which they have been pleased to adopt. Earnestly desirous, however, to coöperate with our sister States in any further expedient which may be thought wise or salutary for preserving the credit of the Continental currency, supplying the army with necessaries, and preventing the growing scarcity and immoderate price of provisions and clothing, the Convention have appointed Deputies to attend the proposed conference, at York, in Pennsylvania, and sincerely wish it may be productive of solid advantages.

"I have the honour to be,

"With great respect, sir,

"Your most obedient humble servt.

"To the Honle. John Hancock."

Ordered, That a copy thereof be engrossed, and signed by the President, and transmitted.

Resolved, That this Convention will grant letters of administration on the estate of Samuel Patrick, deceased, to any reputable resident within this Colony, able to give the usual and necessary securities for that purpose. And that in the mean time, all monies payable by this Convention to the estate of the said Samuel Patrick, be retained until such administration is granted.

John Sloss Hobart, Esq. delivered in an account for the expenses of a committee of Convention sent to Lebanon, by order of Convention, 16 days at 12s. per day, to the 9th of Augt. last, the day of his return,..... £9 12 0

Also an account of expenses of the Committee sent to Kings county, to secure the stock and grain in the said county from the enemy,... 4 16 0

£14 08 0

Ordered, That the Treasurer of this State pay to Jno. Sloss Hobart, Esqr. on his receipt in full for the same, the sum of fourteen pounds eight shillings, for the said two accounts.

The committee of Kingston recommended Anthony Turk and Petrus Westfall, for butchers in the town of Kingston, and request a pass may be given to each of them to go into the other counties to purchase cattle and sheep.

Ordered, That the Secretaries or one of them give each of them a pass.

Colonel Curtenius delivered in an account of the goods purchased by him for the Continental troops, by order of Convention, which was read and is as follows, to wit: [Account not entered.]

Colonel Curtenius also, on request, came into Convention and gave the House information of sundry other articles of clothing, which he could obtain if necessary. Thereupon Mr. Curtenius was requested to go to the store at Fishkill, and confer with the storekeeper, and such members of the late clothing committee as are there, before any further order be made for the purchase of clothing.

A copy of a certain vote and minutes of the committee of Ulster county, dated the 11th day of February last, certified by Robert Boyd, Junr. chairman, and Corns. C. Schoonmaker, clerk of the said committee, were handed to the President and read. It thereby appears that the said committee have resolved that a draft be made by that committee on the President of Convention of the State of New-York, signed by the chairman and attested by the clerk, in favour of Robert Boyd, Junr. for the sum of six hundred pounds, to be received by him in trust for the county, for which sum he shall account with the committee at their next meeting after he shall receive the same.

The said draft on the President of Convention for £600, certified and attested as aforesaid, payable to the said Robert Boyd, accompanied the said vote.

Thereupon the President issued his warrant to the Treasurer in the words following, to wit:

"SIR—In pursuance of certain resolutions of the Representatives of the State of New-York, made and passed in Committee of Safety, on the 14th day of January last past, you are hereby authorized and required to pay to Robert Boyd, Junr. Esquire, on his receipt, the sum of six hundred pounds, for the use of the county of Ulster, and charge the same to the said county."

A letter from Cadwallader Colden, Esqr. dated the 9th inst. was read, and the resolution thereon read and agreed to, with the order thereon to the Secretaries to serve a copy of the resolutions of the inst. as follows, to wit: [Not entered.]

A letter from Philip Leek, dated 27th February, 1777, as to clothing, was read; resolution thereon agreed to, as follows: [Not entered.]

A resolution that the committee of Westchester devise ways and means, &c. [Not entered.]

The committee to whom was referred the letter of General Bayley, of the 27th February last, and the papers which accompanied the same, and General Schuyler's letter of the 4th March, brought in their report, which was read.

The said letters and the papers which accompanied the same were then read.

The said report being then read by paragraphs, after some time spent therein,

Ordered, That the said report be recommitted to the same committee, and that Messrs. Duane and Taylor be added to that committee.

A letter from Capt. Alexander Hamilton, dated at Morris Town, on the 6th of March, and giving an account of the artillery company raised in this State, was read.

Ordered, That the said letter be referred to Mr. Cuyler and Mr. Morris.

Resolved, That Mrs. Rebecca Patrick and George Leonard be appointed, and hereby are appointed, administratrix and administrator of the estate of Saml. Patrick deceased, on their giving bond to the President of this Convention in the sum of £4000, together with Joshua H. Smith and Robert Boyd, Esquires, bound as sureties therein, and conditioned for the faithful administration of the said estate, and taking the usual oath of administrators before the said President, which he is hereby empowered to administer.

WEDNESDAY MORNING,

March 12th, 1777.

The Convention met pursuant to adjournment.

PRESENT—Brigr. Genl. Ten Broeck, *President*.

Col. Lott, Mr. Phil. Livingston, Mr. Denning, Capt. Rutgers, Major Van Zandt, Mr. Dunscomb, Mr. Beekman, Mr. Duane—*For New-York*.

Major Lawrence—*For Queens*.

Col. Van Cortlandt, Col. Drake, Major Lockwood, Mr. Mills, Mr. Morris—*For Westchester*.

Genl. Ten Broeck, Mr. Gansevoort, Mr. Ten Broeck, Mr. Adgate, Mr. Cuyler, Mr. Taylor—*For Albany*.

Mr. Joseph H. Smith, Col. Sherwood, Col. Allison, Mr. Wisner—*For Orange*.

Mr. Paris, Mr. Veder, Mr. Newkirk—*For Tryon*.

Mr. Smith—*For Suffolk*.

Maj. Parks, Mr. Contine, Mr. Ray, Col. Dewitt, Mr. Tappen—*For Ulster*.

Mr. Henry Schenk, Capt. Platt, Mr. R. R. Livingston—*For Dutchess*.

Mr. Stevens—*For Cumberland*.

On the application of Lieut. Col. Marinus Willett, of Col. Gansevoort's regiment, by his letter, dated at Fishkill, March 7, 1777,

Ordered, That the Treasurer of this State advance to Lieut. Col. Marinus Willett, the sum of eight hundred pounds, on account of bounty money for Col. Gansevoort's regiment; that he deliver the said sum to Capt. Jansen, (to be by him conveyed to Lieut. Col. Willet,) and charge the same as so much advanced on account of bounty to Colo. Gansevoort's regiment.

Messrs. Cuyler and Taylor, who were directed to repair to Genl. George Clinton, Genl. James Clinton, Genl. McDougall and General Washington, being returned, delivered in their report, as follows, to wit:

"That your committee waited on General George Clinton, and were informed by him that the obstruction of the navigation is in great forwardness; a number of frames and blocks are ready for sinking; the timber for buoying the chain prepared; and from the forwardness of the work your committee are led to believe the whole will be completed by the time fixed by Genl. George Clinton. The number and weight of artillery required for the works to defend the obstruction, the number of men now under Genl. George Clinton's command, together with every other information obtained from him, are in paper No. 1.

"Your committee next repaired to Genl. James Clinton, at Fort Montgomery; received from him returns of the strength of that and the other fortress under his command, to which your committee begs leave to refer you.

"Your committee are of opinion, with General James Clinton, that at least one thousand men are required to defend Fort Montgomery; that Fort Constitution, from its disadvantageous situation, may be easily taken, should it be beseiged with artillery.

"Your committee waited on Genl. McDougall; gave him the information they had obtained; suggested to him the propriety of putting those posts in a proper state of defence; for his answer to those suggestions and inquiries, directed to be laid before Genl. McDougall, we refer you to paper No. 2.

"Your committee next waited on General Washington; laid before his Excellency the information they had obtained; mentioned the impracticability of calling out the militia of this State; assigned the reasons; hinted to His Excellency the propriety of appointing a discreet and vigilant officer to command the posts in the Highlands; observed to him that the Convention esteemed General James Clinton as a brave officer—a gentleman willing to obey every order from his superior—one who would appear to more advantage in the field than in a garrison; that a more active officer ought to command so important a pass as the Highlands. Your committee mentioned to His Excellency that it was the wish of Convention that General George Clinton might be appointed, with the advantages

that would result from such an appointment. Your committee mentioned to His Excellency the impossibility of procuring cannon for the frigates in this State, or at Salisbury, in any convenient time; that from the information of Henry Livingston, and other corroborating circumstances, Convention were led to believe the enemy intends penetrating up Hudson's river, in which case those frigates, if properly fitted, would be of the utmost importance.

"His Excellency answered, that it was out of his power to appoint general officers; that he had the highest opinion of General George Clinton's abilities; that nothing on his part should be wanting to forward the wishes of Convention in respect to that gentleman; that the same complaint prevailed to the southward, in respect to cannon, as with us; that he would answer us more fully, and appointed a time for that purpose.

"Your committee waited on His Excellency at the time appointed, and were informed that he could not be seen—being taken ill the day before with a fever, which obliged him to keep his room.

"Your committee had an interview with General Green, who was directed by His Excellency to confer with us on the subject.

"Your committee laid before General Greene the information they had collected at the different posts on their route, and mentioned such other matters as are herein before recited. General Greene said, as General Washington before, that no cannon could be procured to the southward; that as many as were necessary for the works to defend the obstructions in the river, might be had in the State of Rhode-Island; that he was well assured from the best intelligence, the enemy would not attempt penetrating up Hudson's river; that the manning the frigates would much impede the completing of our regiments, the facilitating of which he most earnestly recommended to Convention; that he ardently wished for General George Clinton's appointment in the army; that General Washington stood ready to forward an application to Congress from Convention, in behalf of that gentleman. General Greene was of opinion that a number of light boats ought to be built, likewise, six or eight scows, for transporting artillery, stores, &c.; that although His Excellency could not give orders for the same, yet he conceived that an application to Congress would delay that necessary business, and was therefore of opinion that Convention ought to take up that matter immediately.

"Your committee are informed that four regiments of light horse are raising, consisting of two hundred and fifty men each, which appears to be very necessary."

Paper No. 1, referred to in the foregoing report, is missing.

Paper No. 2, referred to in the foregoing report.

"The posts in the Highlands will be put in the best posture of defence in my power; they are an object of my particular attention.

"The strength of the troops under my command, consists of 588 rank and file, Bay militia, whose term of service expires the 15th March. The four York regiments now at Fishkill, 478 rank and file, by return of the 8th of February, but have reason to believe their strength is increased since that.

"Col. Debois's regiment is ordered to garrison Fort Montgomery, as the time of service of the late garrison expired the 1st of March. Col. Livingston is under marching orders, to reinforce the troops at Westchester, if it should be absolutely necessary. Col. Van Cortlandt and Col. Gansevoort, will be ordered to hold themselves in readiness to march on the shortest notice, to relieve the militia at this post and Fort Constitution, when their time of service expires. The troops who were in the lower part of Westchester county, and now in that neighbourhood, consists of 600 Connecticut militia, who are now at Rye, and 160 of the York militia, at Mr. Stephen Ward's house. The number of men necessary for the defence of the passes of the Highlands, depend on the force which may come to attack them.

"I shall keep General Washington continually advised of the state of the forts and passes; and I am confident he will give them all the security in his power. The enemy cannot make a movement towards those posts without giving us many days' notice.

"ALEXR. McDOUGALL,
B. Genl."

The said report being read, was committed to Mr. Robt. R. Livingston, Mr. Cuyler and Mr. Taylor.

On application of Colonel Philip Van Cortlandt, by letter, dated Fishkill, March 10, 1777,

Ordered, That the Treasurer of this State advance to Col. Philip Van Cortlandt, the sum of one thousand pounds on account of bounty for his regiment. That the Treasurer deliver the said sum to Mr. Levi De Witt, agreeable to Col. Van Cortlandt's desire, to be by him conveyed to Col. Van Cortlandt, and take his receipt for the same.

Col. Van Cortlandt in his said letter, requests colours for his regiment.

Ordered, That the colonel be informed that there are no colours provided for his regiment, but that orders will be given for the purpose.

Ordered, That Col. Curtenius be directed to procure a set of colours for Col. Van Cortlandt's regiment.

An account of Robert Boyd, Junr. and Samuel Brewster, dated the 10th of March instant, for six days' attendance of Robert Boyd, Jr. and two days' attendance of Samuel Brewster, on the business of estimating every thing on the ground at the Forest of Dean furnace, and making a report of the same, at 20*s*. per day, amounting to £8, was exhibited for payment. Thereto is subjoined a certificate of Benjn. Newkirk and Mat. Adgate, two of the committee for auditing accounts, that they have examined the said account, and do allow the sum of eight pounds to Messrs. Boyd and Brewster.

Ordered, That the Treasurer of this State pay to the said Robert Boyd, Junr. and Saml. Brewster, or one of them, the sum of eight pounds in full for the said account.

An account of Benjamin Elmendorph, against the State of New-York, dated the 27th February, for four days' riding to Dutchess county, to summon members of Convention to attend, amounting to four pounds, was exhibited for payment. Thereto is subjoined a certificate of the said committee for auditing accounts, that they have examined the said account, and do allow the sum of four pounds to Benjamin Elmendorph.

Ordered, That the Treasurer of this State pay to the said Benjamin Elmendorph, the sum of four pounds on his receipt in full, on said account.

An account of Abraham Heermance, against this State, dated the 28th February, 1777, for four days' riding to Fishkill, to the printing office, to procure handbills, to be reprinted, of the resolutions appointing a fast day. Thereto is subjoined a certificate of the said committee for auditing accounts, that they have examined the said account, and do allow the same.

Ordered, That the Treasurer of this State pay to the said Abraham Heermance, the sum of four pounds on his receipt in full, on said account.

A letter signed Daniel Wood and Richard Johnson, dated 6th February, directed to Benjn. Tusteen, chairman of the committee of Goshen precinct, informing him that agreeable to the request of the committee, they superintended the election of officers for the militia company at Pechunck, to wit: Increase Holley, capt.; David Rogers, 1st. lieut.; James Wright, 2nd. lieut.; Charles Knap, ensign.

Another letter signed John Beggar and Coe Gale, dated Florida, Feb. 25, 1777, directed to Benjamin Tusteen, chairman of Goshen precinct committee, informing him

that they had, agreeable to the request of the said committee, superintended the election of militia officers for the Florida company in Col. Hathorn's regiment, to wit: John Sayrs, captain; John Kenedy, 1st lieutenant; Richard Bayley, 2nd. lieutenant; John Wood, ensign.

Both the said letters were handed into Convention by Colonel Allison, who requested that commissions issue thereon.

Ordered, That the commissions issue to the aforementioned officers.

A list of officers nominated in Sterling company before Richard Edsall and John Biggard, two of the precinct committee on the 3rd Feby. 1777, was handed in by Colonel Allison, to wit: Henry Townsend, captain; Wm. Fitzgerald, 1st lieutenant; Elisha Bennet, 2nd lieutenant; Joseph Conklin, ensign.

Ordered, That a letter be written to Colonel Hathorn, requesting him to transmit to Convention a true state of this company, and that Capt. Platt draft the letter.

Capt. Platt reported a draft of a letter to Col. Hathorn, which was read and approved, and is as follows, to wit:

"SIR—Enclosed is a resolution requiring you to transmit a true statement of the Sterling company of militia in your regiment, in doing which you will please to have regard to the political characters of said company; also the reasons of a new choice of officers in said company, and of their attachment to the American cause, and suggest whether the public cause will not be as well served by breaking up that company, and joining it to the neighbouring districts.

"To Col. HATHORN."

Ordered, That the same be transmitted.

"WHEREAS this Convention did by a resolution of the 11th instant, appoint Mrs. Rebecca Patrick and George Leonard, administratrix and administrator of the estate of Samuel Patrick, deceased, on their giving bond to the President of this Convention, in the sum of £4000, together with Joshua H. Smith and Robert Boyd, Esquires, bound as sureties therein, and conditioned for the faithful administration of the said estate, and taking the usual oath of administrators before the said President: AND WHEREAS it is represented to this Convention that from the indisposition and distant abode of the said Rebecca Patrick, her attendance on the President of this Convention will be attended with extreme difficulties. Therefore,

Resolved, That so much of the said resolution as relates to her taking the said oath before the said President be dispensed with, and that she take the usual oath of administratrix before Elihu Marvin, Esq. chairman of the committee of Orange county, who is hereby empowered to administer the same.

The committee for preparing and reporting a form or plan of government, brought in their report, which was read by Mr. Duane in his place, and delivered in at the table, where the same was again read.

Mr. Adgate then moved, seconded by Major Schenk, that the said plan of government lie on the table four days for the perusal of the members, and that they be at liberty to take copies thereof.

The question being put thereon, was carried in the negative.

On motion of Colonel De Witt,

Ordered, That the said plan of government lie on the table till to-morrow morning, and that the same be then taken into consideration.

On motion of Mr. Robert R. Livingston,

Ordered, That one of the Secretaries attend in this room at four o'clock this afternoon, with the said plan of government, and read it to any of the members who shall choose to attend.

A petition of the committee of Kingston, setting forth that the Continental troops are frequently passing and repassing through Kingston; that the want of an hospital for the sick, and of power to impress wagons for the transportation of the sick are great inconveniences to the said committee; thereupon,

Resolved and Ordered, That the committee of the town of Kingston, be and hereby are authorized and empowered to impress a sufficient number of wagons to transport the sick of Colo. Dayton's regiment raised in New-Jersey, and that the said petition be committed to Capt. Platt, Major Schenk and Colonel Allison.

The committee for auditing accounts, reported that they have examined the accounts of the Honourable Philip Livingston, Esquire, with this State, together with the vouchers attending the same, and that they find a balance of four thousand one hundred and forty-five dollars due from Mr. Livingston to this State.

The said several accounts and vouchers were respectively read, and are as follows:

"*The Honourable the Convention of the State of New-York, in account current with Philip Livingston:*

CR.

1776, Sept.	By cash received from the Continental treasury on their account, by order of Congress,	$6,700

DR.

1776.			
Oct. 7.	To cash paid Colo. Wm. Floyd, for which he is to account with the Convention, as per his receipt,	$650	
" 19.	To cash paid Jonathan Tuthill, on account of the tories sent to Philadelphia, for which he is to account with Convention, as per his receipt,	60	
Nov. 6.	To cash paid Francis Lewis, Esqr. for which he is to account with Convention, as per his receipt,	748	
Dec. 9.	To cash paid Colo. Floyd, as per receipt, for which he is to account,	325	
" 20.	Retained in my hands my allowance for attending Congress, as per my account and receipt herewith delivered,	772	
		$2,555	
	Balance in my hands due to the Convention,	4,145	$6,700

"PHIL. LIVINGSTON.

"*Kingston, March* 11, 1777.

"'Phila. 7th Octor. 1776. Received the sum of 650, say six hundred and fifty dollars, being part of the sum of 6,700 dollars, advanced by Congress to the State of New-York, for which I am to account with the Convention of that State. 'Per WM. FLOYD.'

"'Phila. 19th Octobr. 1776. Received of Philip Livingston sixty dollars, being for moneys disbursed and to be disbursed for the tories sent to Phila. by order of the Convention of the State of New-York, and for the men who were sent under my command to guard them; for which sum I am to account to the Committee who sent the said tories to this State; for which same sum I have signed two receipts.

'JONATHAN TUTHILL.'

"'Phila. November 6, 1776. Received the sum of 748 dollars, say seven hundred and forty-eight dollars, being part of the sum of 6,700 dollars advanced by Congress to the State of New-York, for which I am to account with the Convention of that State.

'Per FRANS. LEWIS.'

"'Phila. Decr. 9, 1776. Received the sum of three hundred and twenty-five dollars, being part of the above sum of money, to be accountable to the Convention of the State of New York.

'225 dollars.' 'WM. FLOYD.'

"1776.

The Honble. Convention of the State of New-York,
To Philip Livingston, *DR.*

To his allowance for expenses attending Congress, from 11th June to the 20th Decr. is 193 days, at 4 dollars per day, ... $772

"Kingston, the 11th March, 1777. Received the above sum in account this day, per me,

"PHIL. LIVINGSTON."

Resolved, That this Convention doth agree with their committee in the said report. And,

Ordered, That Mr. Livingston pay the said balance of 4,145 dollars into the treasury of this State, and that the said accounts and vouchers be filed with the Treasurer.

THURSDAY MORNING, *March 13th*, 1777.

The Convention met pursuant to adjournment.

PRESENT—Brigr. Genl. Ten Broeck, *President*.

Capt. Rutgers, Mr. Duane, Mr. Beekman, Mr. Phil. Livingston, Mr. Denning, Major Van Zandt, Mr. Dunscomb, Col. Lott—*For New-York*.

Mr. Wisner, Mr. Smith, Colo. Sherwood, Col. Allison—*For Orange*.

Mr. Morris, Col. Drake, Judge Graham, Col. Van Cortlandt, Major Lockwood, Mr. Mills—*For Westchester*.

Genl. Ten Broeck, Mr. Gansevoort, Mr. Adgate, Mr. Cuyler, Mr. Tayler—*For Albany*.

Major Lawrence—*For Queens*.

Mr. Stevens—*For Cumberland*.

Mr. Smith—*For Suffolk*.

Mr. Rea, Major Parks, Major Tappen, Col. De Witt—*For Ulster*.

Mr. Jas. Livingston, Mr. Gilbert Livingston, Capt. Platt, Major H. Schenk, Mr. R. R. Livingston—*For Dutchess*.

Mr. Paris, Mr. Veder, Mr. Newkerk—*For Tryon*.

A letter from Henry Quackenboss, dated Albany, 10th March, enclosing an account amounting to £283 13*s*. for a quantity of stockings by him purchased pursuant to the resolution of Convention, for the use of the troops, was read.

Ordered, That the said account be referred to the committee of accounts.

A letter from Henry Quackenboss, chairman of the committee of the district committee of Rensselaerwyck, directed to Brigr. Genl. Ten Broeck, and dated March 6, setting forth that there are by resignations, &c. many vacancies in the militia of that district, and requests the General to procure thirty blank commissions to be filled by the said committee, was read.

Ordered, That thirty blank commissions be sent to the committee of Rensselaerwyck to be by the said committee filled up.

The petition of John Griffiths and Robert Boyd, Junior, requesting an exemption of forty men to work at the furnace of the Forest of Dean, and an order to be supplied with powder, flour, bran, pork, molasses, rum, &c. &c. was read.

Odered, That the same be committed to Col. Lott, Mr. Joseph Smith and Mr. Gilbert Livingston.

The order of the day being read, the House proceeded to the consideration of the report of the committee on the plan of government, the same was read.

John Dumont, Esq. chairman of Kingston committee, informed the House that 5½ tons of gunpowder are arrived in this town from Philadelphia, to be forwarded to Albany for the northern department, and requests the advice of Convention.

Ordered, That Col. De Witt and Major Tappen be a committee to assist the committee of Kingston, and that they take such measures with respect to the said powder, as they may think necessary.

The first clause of the plan of government was read, and being again read, and the question put thereon, was agreed to.

Mr. Morris then moved and was seconded, that every member who shall dissent from his county on any section, or part of the said form or plan of government, have leave to enter his dissent, with the reasons of such dissent; that such reasons be entered at length on the minutes, but not published.

Mr. R. R. Livingston moved and was seconded, that the sense of the Convention be taken, whether the said motion of Mr. Morris is not irregular. The question being put thereon, was carried in the negative.

Mr. Morris then moved in the same words as before, to wit: that every member who shall dissent frm his county, or any section or part of the said form or plan of government, have leave to enter his dissent, with the reasons thereof, and that such reasons be entered at length on the minutes, but not published.

Debates arose thereon, and the question being put, it was carried in the negative, in the manner following, to wit:

For the Negative.		*For the Affirmative.*	
Westchester,	4	Orange	3
Mr. Morris dissenting.		Dutchess,	5
New-York,	8	Mr. Gil. Livingston, and Mr. Jas. Livingston dissenting.	
Albany,	6	Tryon,	3
Ulster,	4		
	22		11

The second section was then read.

Mr. Joseph H. Smith then moved and was seconded by Colonel Sherwood, that the word "two" be obliterated, and the word "three" there inserted, so that it may read, "in three seperate and distinct," &c. and assigned as a reason, that the Governor may be added as a third branch of the Legislature. Debates arose thereon, and after much time spent therein, on motion of Mr. Wisner, seconded by Mr. Duane,

Ordered, That the question on Mr. Smith's motion be postponed until the next meeting of the Convention.

Adjourned till 4 o'clock this afternoon.

THURSDAY AFTERNOON, *March* 13, 1777.

Present, as in the morning, with the addition of Major Webster, from Charlotte.

The Convention met pursuant to adjournment.

The second section of the form of government was again read. Mr. Joseph H. Smith's motion of this morning, which he now reduced to writing, was again read, in the words following, to wit: "I move that the word 'two' be obliterated, and the word 'three' substituted in its place; that the Governor may have a negative upon all laws passed by the Senate and Assembly." Debates again arose thereon: Thereupon,

Mr. Duane moved for the previous question, and was seconded, which was carried in the affirmative, to wit: that the question on Mr. Smith's motion be not now put.

Mr. Morris moved, and was seconded by Mr. Joseph H. Smith, that between the words "vested in" and the word "two," the words "a governor and," be inserted; and that at the end of that section, the following words be added, to wit: "provided that the governor shall have no power to originate or amend any law, but simply to give his assent or dissent thereto."

Mr. Platt then moved, and was seconded, that the consideration of the amendment last moved for, and the further consideration of the said second paragraph, be postponed till to-morrow, which was unanimously agreed to, and ordered accordingly.

The third section was then read and agreed to.

The fourth section was then read. After many debates thereon, on motion of Mr. Duane, who was seconded,

Ordered, That the further consideration thereof be postponed till to-morrow.

A letter from John Cumming, Alexander Cruikshanks and Hugh Denniston, dated this day, was read. Thereupon,

Ordered, That John Cummings and Alexander Cruikshanks be sent under guard of Lieut. Bleecker and his party, to the commissioners at Fishkill, and that their examinations and the examination of Hugh Deniston be sent to the commissioners at Fishkill by the officer of that guard. And

Ordered, That the Secretaries, or one of them, be, and hereby are, authorized and directed to administer the oath of allegiance to Hugh Deniston, as soon as the said Cumming and Cruikshanks are gone from this place, and

that on his taking the said oath of allegiance he be discharged.

WHEREAS Anthony Rutgers and Benjamin Newkirk, Esquires, were on the 10th instant appointed a committee for the purpose of procuring anchors and cables for the public use, with a power to take as many from on board any vessels in Hudson's river as may be spared, paying the owners thereof for the same, and to send them down to Brigadier-General George Clinton, at New-Windsor; and the business of this House requiring the constant attendance of all its members, therefore,

Resolved, That those gentlemen be discharged from the said business, and that Messrs. Henry Benson and Cornelius Johnson be, and they are, hereby appointed commissioners, with the like powers of the said committee for executing the said business, and that they be requested to proceed with the utmost despatch.

A letter from Robert Boyd, Esquire, chairman of the committee of Ulster county, relative to Abraham Brinckerhoff, charging him with propagating a seditious paper, was read, and committed to the members of Orange county.

The petition of David Close and Alexr. Kidd and others, on behalf of Malcom Morrison and others; and also the petition of Matthias Smith, Frederick Rover and others, and the petition of Daniel Chase and others, and the petition of Enoch Hodge and others, persons confined as enemies to the liberties of America, and praying to be relieved from their present confinement, were respectively read. Thereupon,

Resolved, That a committee be appointed to inquire into the circumstances of the prisoners now confined at Kingston, and to administer the oath of allegiance, and to discharge such of them as may appear to be within the intention of the resolutions of the day of as well as to carry the said resolutions into execution, where the prisoners, other than those who are confined for conveying intelligence to, or furnishing the enemy with provisions, &c. &c. shall be unwilling to take such oath, and that the aforementioned petitions be referred to the said committee.

Resolved, That Capt. Platt, Major Lawrence and Mr. Duane, be the committee.

A letter from Elihu Marvin, Esq. chairman of the committee of Orange county, informing that there are several prisoners in the jail of said county, as inimical to the American cause, and that there is great reason to apprehend that attempts have been and will be made to rescue them; that for the present a guard of militia is placed over them, and therefore requests that 12 or 14 soldiers be sent to guard them.

Ordered, That the said letter be referred to the commissioners for detecting conspiracies, &c.

Major Henry Schenk, a member, informed the House that he is appointed an agent by the Commissary-General of the Continental army, to purchase and procure flour and grain for the use of the said army; that he has purchased large quantities of each article; that the cash advanced him by the said Commissary is expended, and that the said Commissary is now gone into the State of Connecticut. Mr. Schenk therefore requests, lest the public service may suffer, the loan of 3,000 dollars on the credit and account of the said Commissary. Therefore,

Ordered, That the Treasurer of this State advance to Major Henry Schenk, agent to the Commissary-General of the Continental army, on the credit and account of the said Commissary-General, the sum of three thousand dollars, and take Major Schenk's receipt in behalf of the said Commissary-General, for the same.

A warrant granted by Johs. Sleght, Esquire, of Kingston, one of the justices of this State, dated the 4th instant, issued against Hendrick States, of Sagerties, charging him with having felonously stolen a quantity of steel and a number of raw hides, belonging to the State of New-York was delivered to the chair and read. Convention was informed that the said Hendrick States had absconded; that part of the moneys for which the said steel was sold, is yet unpaid; and that the said Hendrick Staats has a sloop and other property which if seized, might probably compensate this State or the UnitedAmerican States, for the value of the said steel and hides.

Ordered, That Mr. Gilbert Livingston and Major Lockwood, be a committee to take the said warrant, and consider of the information given, inquire into the premises and report thereon.

FRIDAY MORNING,

March 14*th*, 1777.

The Convention met pursuant to adjournment.

PRESENT—Brigr. Genl. Ten Broeck, *President*.

Mr. Duane, Major Van Zandt, Mr. Phil. Livingston, Capt. Rutgers, Mr. Denning, Col. Lott, Mr. Dunscomb—*For New-York*.

Major Lawrence—*For Queens*.

Genl. Ten Broeck, Mr. Gansevoort, Mr. Tayler, Mr. Adgate—*For Albany*.

Mr. Wisner, Mr. Jos. Smith, Col. Sherwood, Col. Allison—*For Orange*.

Mr. Smith—*For Suffolk*.

Major Tappen, Major Parks, Mr. Ray, Col. Dewitt—*For Ulster*.

Major Webster—*For Charlotte*.

Mr. G. Livingston, Mr. Jas. Livingston, Mr. Platt, Mr. Henry Schenk, Mr. R. R. Livingston—*For Dutchess*.

Mr. Paris, Mr. Veder, Mr. Newkirk—*For Tryon*.

Mr. Morris, Col. Van Cortlandt, Col. Drake, Mr. Mills, Major Lockwood, Judge Graham—*For Westchester*.

Mr. Stevens—*For Cumberland*.

A petition of Wm. Thorn, setting forth that if Convention will permit Enoch Hogg, Daniel Chase and his son Talman, to go down to the commissioners at Fishkill, he will take the charge of and engage to see them safely delivered before the said commissioners in any reasonable time that the Convention shall appoint; a certificate signed Jesse Woodhull, Colo. recommending him as sufficient bail for that purpose; and the petition of Thos. Briggs and others confined in Kingston jail, were respectively read. Thereupon

Resolved, That the said petition, together with all the petitions which have been received from the prisoners confined in Kingston jail, be referred to the commissioners for inquiring into, detecting and defeating all conspiracies, &c. and that the Secretary transmit the said petitions to the said commissioners.

Resolved and Ordered, That the committee formerly appointed to employ riders and establish a correspondence between Fishkill and General Washington's Head-Quarters, do employ as many riders as may be necessary for conveying intelligence between this place and Head-Quarters twice a week; and that the said committee do employ a proper person at Head-Quarters to communicate intelligence; and

Ordered, That Mr. Morris be added to the said committee.

The petition of Thomas Fisher, late of New-York, now residing at Poughkeepsie, setting forth that all his estate is in England; and praying permission to withdraw with his family and effects to the city of New-York, to embark for England, was read. Thereupon the House came to the following resolution:

WHEREAS Thomas Fisher, an inhabitant of this State, claiming to be a subject of the King of Great Britain, hath by his petition to this Convention prayed leave to remove with his family and effects to the city of New-York.

Resolved, That permission be and is hereby given to the said Thos. Fisher, his wife and his brother, to remove with their apparel, and the household furniture, and negro wench, of the said Thomas Fisher, to the said city; and the committee of Poughkeepsie, are requested to see this resolution strictly executed; and to administer an oath to

the said Thomas Fisher, his wife and brother, that they will not communicate any intelligence to the enemy, nor convey any letters but such as shall be first shown to and inspected by the said committee.

A petition of Henry Wooden, dated at Poughkeepsie, on the 7th instant, setting forth his innocence; that he is a friend to the American States, and ready to comply with any thing directed by the Convention, was read.

Ordered, That the said petition be referred and transmitted to the commissioners appointed by Convention for detecting and defeating all conspiracies, &c. formed in the State of New-York, now sitting at Fishkill.

The House proceeded to the consideration of the plan of government.

The second paragraph thereof was read, and Mr. Morris's motion of yesterday afternoon, for an amendment to the second section, which was postponed until this morning, was again read. After many debates thereon, the clause as it now stands, and also the clause as it will read with the amendments, were read; and the question being put thereon, it was carried in the affirmative, in manner following, viz:

For the amendment.		*Against the amendment.*	
Dutchess,	5	Tryon,	3
Major Schenk dissents.		Ulster,	4
Albany,	6		7
Mr. Adgate dissents.			
New-York,	8		
	19	Orange and Westchester, each equally divided.	

The clause being therefore amended as before mentioned, and again read, and the question being put thereon, it was carried in the affirmative in the manner following, to wit:

For the affirmative.		*For the negative.*	
New-York,	8	Tryon,	3
Dutchess,	5	Ulster,	4
Maj. Schenk dissenting.		Mr. Tappen dissenting.	
Albany,	6		7
Mr. Adgate dissenting.			
	19	Westchester and Orange, each equally dvided.	

FRIDAY AFTERNOON, *March* 14, 1777.

The Convention met pursuant to adjournment.

PRESENT—Brigr. General Ten Broeck, *President*.

Mr. Dunscomb, Mr Denning, Mr. Rutgers, Mr. Beekman, Col. Lott, Mr. Duane, Major Van Zandt, Mr. Philip Livingston—*For New-York*.

Major Lawrence—*For Queens*.

Major Webster—*Charlotte*.

Mr. Rea, Col. De Witt, Major Lockwood, Major Tappen—*For Ulster*.

Genl. Ten Broeck, Mr. Tayler, Mr. Adgate, Mr. Gansevoort, Mr. Cuyler—*For Albany*.

Col. Allison, Mr. Jos. Smith, Col. Sherwood, Mr. Wisner—*For Orange*.

Mr. Stevens—*Cumberland*.

Mr. Morris, Col. Van Cortlandt, Col. Drake, Mr. Mills, Major Lockwood, Judge Graham—*For Westchester*.

Mr. Smith—*For Suffolk*.

Maj. H. Schenk, Mr. Platt, Mr. Jas. Livingston, Mr. Gilbert Livingston—*For Dutchess*.

Mr. Paris, Mr. Veder, Mr. Newkirk—*For Tryon*.

The order of yesterday afternoon as to the 4th paragraph, was read.

The 4th paragraph was then read.

On motion of Mr. Duane, seconded by several members,

Ordered, That the consideration of the 4th paragraph be postponed till to-morrow.

The 5th paragraph was then read; and being read a second time, Mr. Morris moved, and was seconded by Mr. Dunscomb, to strike out the words, "by ballot," and to substitute the words "according to," and to strike out the words "shall continue to have their full effect."

Debates arose thereon, and the question being put thereon, it was carried in the affirmative, in manner following, to wit:

For the amendment.		*Against the amendment.*	
Westchester,	4	Ulster,	4
Major Lockwood and Mr. Mills dissenting.		Tryon,	3
Albany,	6	Dutchess,	5
New-York,	8		12
Messrs. Beekman and Lott dissenting.			
	18	Orange equally divided.	

The said 5th paragraph being then amended accordingly and read, Mr. R. R. Livingston moved, and was seconded, that between the word "by" and the words "a future," the words "this Convention or," be inserted.

Debates arose thereon, and after some time spent therein, Mr. Livingston had unanimously leave to withdraw his motion.

Mr. L'hommedieu came into Convention, and took his seat as a Deputy of Suffolk county.

The said paragraph as before amended, being then read, and the question put thereon, it was carried in the affirmative in the manner following, to wit:

For the affirmative.		*For the negative.*	
Westchester,	4	Dutchess,	5
Major Lockwood and Mr. Mills dissenting.		Tryon,	3
Albany,	6	Ulster,	4
New-York,	8		12
	18	Orange divided.	

Mr. William Harper came into Convention, and took his seat as a Deputy of Tryon county.

The 6th paragraph was then read, and by order read a second time. Mr. R. R. Livingston moved, and was seconded by Mr. Morris, that between the word "resided" and the word "therein," the words "and rented a tenement," be inserted.

Debates arose thereon, and the question being put, it was carried in the affirmative, in manner following, to wit:

For the amendment.		*Against the amendment.*	
Dutchess,	5	New-York,	8
Westchester,	4		
Orange,	3		
Ulster,	4		
Tryon,	3		
Albany,	6		
Mr. Gansevoort dissents.			
	25		

On motion

Resolved unanimously, That the further consideration of the sixth paragraph be postponed.

SATURDAY MORNING, *March* 15*th*, 1777.

The Convention met pursuant to adjournment.

PRESENT—Brigr. General Ten Broeck, *President*.

Mr. Philip Livingston, Mr. Rutgers, Colo. Lott, Mr. Denning, Mr. Dunscomb. Major Van Zandt, Mr. Beekman—*For New-York*.

Major Lawrence—*For Queens*.

Major Webster—*For Charlotte*.

Major Tappen, Mr. Ray, Col. De Witt, Major Parks—*For Ulster*.

Genl. Ten Broeck, Mr. Gansevoort, Mr. Ten Broeck, Mr. Cuyler, Mr. Adgate, Mr. Tayler—*For Albany*.

Mr. Joseph Smith, Colo. Sherwood, Mr. Wisner, Col. Allison—*For Orange*.

Mr. Stevens—*For Cumberland*.

Mr. Mills. Col. Drake, Maj. Lockwood, Judge Graham, Mr. Morris—*For Westchester*.

Mr. Smith, Mr. L'hommedieu—*For Suffolk*.

Mr. Gilbert Livingston, Mr. Jas. Livingston, Major H. Schenk, Capt. Platt—*For Dutchess*.

Mr. Harper, Mr. Paris, Mr. Veder, Mr. Newkerk—*For Tryon*.

The committee to whom was recommitted the report of the committee on the letter of General Bayley, of the 26th February, and of General Schuyler, of the 4th March, on the subject of Hoisington's rangers, reported the following resolutions, which were read, and the consideration thereof postponed. The said resolutions are as follows, to wit:

Resolved, That, considering the present state of the counties of Gloucester and Cumberland, the rangers raised in the said counties under the command of the late Major Joab Hoisington, ought to be continued in service, provided they will agree to serve in the manner directed by the resolutions of Convention by which they were ordered to be raised, to wit: to be subject to be employed for the support of the common cause of America, in such manner as the Convention or future Legislature of this State shall think proper; that, for this purpose, the said companies shall be mustered by the commissioners hereinafter named, and such of the said soldiers as shall be willing to continue in the service upon the said terms, shall subscribe an enlisting roll to that effect, and the commissioners shall thereupon appoint one lieutenant for every thirty of the said men, and one captain for every two lieutenants; and that such of the said soldiers as shall refuse to serve in manner above directed, be discharged, paying them respectively one-half of the bounty allowed by the Convention to such as should engage to serve during the war, together with pay and subsistence for the time they were employed in actual service.

Resolved, That Brigadier-General Jacob Bayley, John Sessions and James Clay, Esquires, be appointed commissioners as well for the purposes aforesaid, as to examine into and state the sums due to the officers and privates of the said companies respectively, according to their actual services and the terms herein before expressed, and to report the same to this Convention or future Legislature, that provision may be made for payment thereof, furnishing at the same time pay and subsistence rolls, attested on oath by the commanding officer of each company before the said commissioners, or one of them, containing the names, times of enlistment and services of the officers and privates of the said companies respectively.

Resolved, That two dollars per day be allowed to each of the said commissioners for their trouble and expenses while actually employed in the services before directed by these resolutions.

Resolved, That the company employed by General Bayley on the northeastern frontiers of this State as scouting parties and guards, ought to be paid agreeable to the contract made with them by General Bayley, and that the pay and subsistence roll of the said company be referred to the committee for auditing accounts, to be adjusted, and by them reported upon.

Resolved, That a letter be written to General Bayley by the President, enclosing the above resolutions.

On motion of Mr. Wm. Smith,

Resolved and Ordered, That a messenger be sent to Mr. Miller, Mr. Gelston and Mr. Tredwell, and require their attendance at Convention without delay.

On motion of Col. De Witt,

Resolved, That the other absent members be sent for to attend Convention.

Colonel De Witt then moved that the names of the absent members be called over, and that such of them as in all probability can or will attend, be sent for.

On motion of Mr. Morris,

Ordered, That the further consideration of sending for the absent members, (those of Suffolk county above mentioned excepted) be postponed till Monday next.

Mr. L'hommedieu had leave of absence, and is to carry the summons for Messrs. Miller, Gelston and Tredwell.

A letter from Peter Colt, agent under Mr. Joseph Hallett, for the sale of the prize goods taken by the sloop of war Montgomery, dated the 11th day of March, and requesting directions as to the distribution of the amount of the prize money, was read.

Ordered, That the said letter be committed to Capt. Platt, Mr. Rutgers and Major Lawrence.

A ration roll of the ship joiners on board the Continental ship Congress, from the 20th December, 1776, to the 14th Feby. 1777, it being an allowance to them made by the Committee of Safety on the 20th December, 1776, on account of the dearness of provisions and other necessaries of life; the said roll amounting to £32 11*s*. 7¾*d*. is sworn to by Mr. John Child, clerk of the Continental ship Congress, and audited by the committee of accounts, was delivered in and read.

One other ration roll of the Continental ship Congress, from the 20th December, 1776, to the 14th February, 1777, it being an allowance made by the Committee of Safety on the 20th December, 1776, on account of the dearness of provisions and other necessaries of life; the said roll amounting to £25 11*s*. 10*d*. is sworn to by Mr. John Child, clerk of the said ship, and audited by the committee of accounts, was delivered in and read.

An account of the ship carpenters, ship joiners, riggers and labourers employed on board the Continental ship Congress, in transporting said ship from Poughkeepsie to Esopus Landing, and mooring her there, for which they demand each four nights' wages; the said account amounting to £49 14*s*. is certified to by Mr. John Child, clerk to said ship, and audited by the committee of accounts, was delivered in and read.

A pay roll of the ship carpenters on board the Continental ship Congress, from the 14th February to the 8th of March, amounting to £9 6*s*. 6*d*. which was allowed them in addition to their former wages (in lieu of rations) by resolution of the Committee of Safety, on the 14th February, 1777; the said roll is sworn to by Mr. John Child, clerk of the said ship, and audited by the committee of accounts, was read. And thereupon,

Ordered, That the Treasurer of this State pay unto Mr. Stephen Seaward the sum of £32 11*s*. 7¾*d*. in full for the ration roll of the ship joiners on board the Continental ship Congress, from the 20th December, 1776, to the 14th February, 1777. Also, the further sum of £25 11*s*. 10*d*. in full for the ration roll of the shipwrights on board the said ship, from the 20th December, 1776 to the 14th February, 1777. Also, the further sum of £49 14*s*. in full for an account of the shipwrights, joiners, riggers and labourers employed in transporting the ship Congress from Poughkeepsie to Esopus Landing. And also, the further sum of £9 6*s*. 6*d*. in full for the pay roll of the shipwrights on board the said ship, from the 14th February to the 8th March, 1777.

The committee to whom was referred, on the 11th inst. the petition of the committee of Kingston on the subject of an hospital, &c. &c. delivered in their report, which was read, amended and agreed to: Thereupon,

Resolved, That the several different committees within the county of Ulster, and the northern parts of Orange, are hereby authorized and empowered, whenever they shall judge it necessary for the advancement of the public service, that the chairman of either of the said committees, with the advice of any three members, to issue his warrant to one of the constables within their respective districts, to impress such number of horses and wagons as they shall judge necessary.

Resolved, That each wagoner, so impressed as aforesaid, shall, on producing proper certificates from the commanding officer of the party, and if no such officer, from the chairman of the committee who issued the warrant, shall receive for every days' service the sum of sixteen shillings.

Resolved, That the committee of Kingston are authorized and empowered to cause the two block houses within the said town to be repaired and fitted, for the accommodation of any sick soldiers belonging to the United States,

who shall pass this way, and transmit the account thereof to this Convention, or some future Legislature of this State, who will make provision for the payment thereof.

Colonel De Witt gave notice that he would, on Monday next, move the House to reconsider so much of the said report as respects the impressing of wagons.

MONDAY MORNING,
March 17th, 1777.

The Convention met pursuant to adjournment.

PRESENT—Brigr. Genl. Ten Broeck, *President*.

Mr. Duane, Mr. Jay, Mr. Phil. Livingston, Mr. Dunscomb, Capt. Rutgers, Mr. Beekman, Maj. Van Zandt, Col. Lott—*For New-York*.

Mr. Webster—*Charlotte*.

Mr. Paris, Mr. Veder, Mr. Newkirk, Mr. Harper—*For Tryon*.

Mr. Stevens—*For Cumberland*.

Genl. Ten Broeck, Mr. Ten Broeck, Mr. Tayler, Mr. Adgate, Mr. Cuyler, Mr. Gansevoort—*For Albany*.

Col. Allison, Mr. Smith, Col. Sherwood, Mr. Wisner—*For Orange*.

Major Tappen, Mr. Ray, Maj. F. Parks, Col. De Witt—*For Ulster*.

Mr. Smith—*For Suffolk*.

Capt. Platt, Mr. Jas. Livingston, Mr. Gilbert Livingston, Maj. Schenk, Mr. R. R. Livingston—*For Dutchess*.

Mr. Morris, Maj. Lockwood, Judge Graham, Col. Graham, Mr. Mills—*For Westchester*.

A letter from General George Clinton, dated the 14th instant, requesting that the anchors and cables be sent down with the utmost despatch, was read.

Resolved, That Egbert Dumont, Esquire, be and is hereby appointed an additional commissioner for the purpose of procuring anchors and cables, to be sent down to the obstructions making in Hudson's river, with the like powers given to Messrs. Henry Benson and Corns. Johnson, to wit, power to take as many anchors and cables from on board the vessels in Hudson's river as can be spared, paying the owners for the same, and that he be requested to proceed on the business with the utmost despatch.

Another letter from General Clinton, of the same date, enclosing a petition from several teamsters that their wages may be raised, was read, and committed to Colonel De Witt and Mr. Wm. Smith.

The House were informed that the ship joiners from on board the Continental ships at the landing, were at the door attending with an application.

Ordered, That Mr. Jay and Mr. Gilbert Livingston be appointed to confer with them.

A letter from Henry I. Van Rensselaer, Esq. informing that it is inconvenient for him to attend the Continental loan office at the city of Albany, and therefore prays leave to resign the said office.

Resolved, That Mr. Van Rensselaer be permitted to resign the said office: And thereupon,

Resolved, That Dirck Ten Broeck, Esquire, of the city of Albany, be and he is hereby appointed commissioner to superintend the Continental loan office in this State, (in the stead of Henry I. Van Rensselaer, Esquire, who has declined that office,) for the purpose of receiving money on loan on the credit and for the use of the United States of America, pursuant to the several resolutions of the Honourable Congress of the said States, in such case made and provided.

A letter from General Washington, dated February 20, recommending Colonel Renier to fill the place of lieutenant colonel, in Colonel Henry B. Livingston's regiment, was read, and referred to the committee of arrangement.

The petition of David Schuyler, and many others, on behalf of Cornelius Glenn, John Stevenson and Peter Van Schaack, confined on parol by the committee of Albany, at Boston, praying that they may be permitted to return and reside at home, was read.

Ordered, That two of the Albany members be directed to write to the petitioners, enclosing a copy of the resolutions of Convention of the instant.

A letter from Thos. Palmer, Esquire, chairman of the committee of Newburgh precinct, dated 11th March, relative to the families of persons gone over to the enemy, and relative to quantities of provisions, stored near the river, in danger of being taken off by the enemy, was read and referred to Mr. Platt, Colonel De Witt and Colonel Allison.

The petition of Moses Knapp, confined in Kingston jail as a prisoner of war, was read and referred to the members of Ulster.

A deposition of Arie King against John Cummings and Crukshanks, (two prisoners on parol,) charging them with having expressed themselves in a manner very injurious to the cause of America; also, another deposition of George Lawson, against the same persons, were handed into Convention and read.

On reading the said depositions of Arie King and George Lawson, and from other information, it appears that John Cummings and Alexander Cruikshanks, State prisoners on their parol, who have lately in a secret and clandestine manner been in the city of New-York, since their return, and while on parol, have examined the ships of war at Esopus Landing, and used indirect artifices to terrify and discourage the good people of this State, and prevail upon them to submit to the arms of Great Britain.

Resolved, therefore, That they be immediately committed to the common jail of the county of Ulster, there to remain until further order of this Convention.

Ordered, That the members of Ulster county do see the aforegoing resolution duly executed.

A letter from James Mease, Clothier-General, dated at Morris Town, March 5, relative to clothing, was read and committed to Mr. Tayler, Mr. Jay and Mr. Morris.

A letter from Middletown, dated March 8, 1777, signed Thomas Dearing, John Foster and Thomas Wickham, accompanying a great bundle of accounts of sundry persons for transporting stock, &c. &c. from Long island, was read and committed to the committee for auditing accounts.

Resolved, That Mr. Adgate and Major Webster be excused and dismissed from the committee for auditing accounts; and that Mr. Cuyler and Major Tappen be added to the said committee in the stead of Mr. Adgate and Major Webster.

Mr. Jay, from the committee appointed to confer with the ship joiners, reported as follows, to wit:

"That Adam Todd and James Frame appeared before your committee in behalf (as they said) of the ship joiners employed to work on board the Continental ships of war, Congress and Montgomery, and complained that they were so employed at the rate of seven shillings and a half pint of rum per day; that the said allowance of rum hath lately been withheld from them; that the high prices of all the necessaries of life constrain them to request an augmentation of their wages to 9*s*. 6*d*. per day; and that they request the interposition and order of the Convention for that purpose; that the late additions made to the wages of the ship carpenters employed on the said ships, give them reason to expect a similar provision.

Resolved, As the opinion of this Convention, that they ought not to interfere in this business.

Mr. Morris requested the sense of the House relative to the artillery company lately commanded by Captain Hamilton. Thereupon,

Resolved, That the said company be permitted to enlist in the service of the Continent, and that Mr. Morris inform Capt. Hamilton thereof.

Mr. Jay dissents.

Resolved, That Mr. Duane, Mr. Robert Yates and Mr. William Harper (a committee heretofore appointed for the purpose of carrying on a salt manufactory in Tryon county,) or either of them, be authorized to draw on the Trea-

surer of this State for any sums, not exceeding in the whole four hundred dollars, for the purpose of carrying on the said manufactory.

MONDAY AFTERNOON, *March 17th*, 1777.

The Convention met pursuant to adjournment.

PRESENT—Brigr. General Ten Broeck, *President*.

Colonel Lott, Mr. Duane, Mr. Jay, Major Van Zandt, Mr. Dunscomb, Capt. Rutgers, Mr. Beekman, Mr. Phil. Livingston—*For New-York*.

Major Lawrence—*For Queens*.

Major Parks, Mr. Ray, Maj. Tappen, Col. De Witt, Mr. Contine—*For Ulster*.

Genl. Ten Broeck, Mr. Cuyler, Mr. Ten Broeck, Mr. Gansevoort, Mr. Robert Yates, Mr. Tayler, Mr. Adgate—*For Albany*.

Mr. Wisner, Colo. Allison, Colo. Sherwood, Mr. Joseph Smith—*For Orange*.

Mr. Mills, Major Lockwood, Col. Drake, Mr. Morris, Judge Graham—*For Westchester*.

Mr. Webster—*For Charlotte*.

Mr. Smith—*For Suffolk*.

Mr. Jas. Livingston, Mr. G. Livingston, Capt. Platt, Major Schenk, Mr. R. R. Livingston—*For Dutchess*.

Mr. Harper, Mr. Veeder, Mr. Paris, Mr. Newkirk—*For Tryon*.

Ordered, That the Treasurer of this State pay to Sampson Dyckman the sum of six pounds eight shillings, in full for his account for boarding Colonel Ritzema and Lieutenant Johnson, by order of the committee for detecting conspiracies.

Colonel De Witt, agreeable to notice by him given on Saturday last, moved that so much of the resolutions passed that day as empowered the chairman of the district committee in Ulster county to impress wagons, be reconsidered.

The question being put thereon, was carried in the negative.

Colonel De Witt then gave notice, that he would tomorrow move for a reconsideration of the whole report of the committee on the petition of the committee of Kingston, relative to impressing wagons, &c. &c.

Mr. Joseph Smith, from the committee to whom was referred the letter from Robert Boyd, Junr. Esquire, chairman of Ulster county committee, dated the 12th of February, relative to Abraham Brinckerhoff, reported a draft of a letter in answer thereto, which was read and approved of, and is in the words following:

"SIR—Convention have received your letter of the 12th of February last, and are surprised to find the committee for detecting conspiracies, &c. so highly reprehended by the committee for the county of Ulster, for *partiality and a neglect of duty;* crimes of which we by no means think those gentlemen guilty, especially when we consider the important services they have rendered this State, by their faithful discharge of the arduous task imposed upon them.

"Convention is informed that Mr. Brinckerhoff was sent to the committee for detecting conspiracies, &c. at Fishkill, without informing those gentlemen of the charges against him, or the cause of his capture or detention, which should have been specified.

"Mr. Brinckerhoff was detained by the committee at Fishkill for some considerable time, and no charge being exhibited against him he was discharged of course. However, as the committee conceived he was not sent there unintentionally, they administered to him the oath of allegiance, and bound him to be forthcoming when called upon.

"Convention is desirous of making every allowance for gentlemen acting in a public capacity, and on this occasion are led to believe that your committee have, without full consideration, been induced to write their said letter.

"I am, sir, your very humble servt.

"ROBERT BOYD, Junr. Chairman
of the Committee of Ulster."

The committee to whom was referred the petition of John Griffiths and Robert Boyd, Junr. dated the 13th March, delivered in their report, which was read, amended and agreed to, and is as follows:

"WHEREAS by a resolution passed by this Convention on the 14th of August last, it was provided that among other manufacturers exempted from military duty in this State, the following persons employed at each furnace for melting iron ore into pigs and castings be exempted, to wit: one founder, two keepers, one stock jobber, one moulder, two fillers, one ore breaker, four miners and four master colliers. Therefore,

"*Resolved*, 1st. That John Griffiths and Robert Boyd, Junr. managers of the Forest of Dean furnace be acquainted with the above resolve; and that in order to avail themselves of the above privilege, they must give in a list of the names of all the persons at their works entitled to the benefit of this exemption, to the commanding officer of the militia of the district in which the said furnace is situated.

"*Resolved*, 2d. That according to the prayer of the above mentioned petition, an order be given to Henry Wisner, Junr. to furnish the above petitioners, John Griffiths and Robt. Boyd, Junr. with a quarter cask of gunpowder out of any he may have in his hands belonging to this State, (they paying the current price for the same.")

Ordered, That the petitioners be informed that the Convention have not any other of the articles mentioned in their petition.

The bond of Rebecca Patrick, widow, and George Leonard, administratrix and administrator of the goods, chattels and effects of Samuel Patrick deceased, duly executed by them and their sureties, Joshua H. Smith and Robert Boyd, Junr. Esquires, and also a certificate of Elihu Marvin, Esquire, chairman of the county committee of Orange county, that the said Rebecca Patrick was duly sworn before him as the administratrix of the said goods, chattels and effects, pursuant to the resolution of this Convention of the 12th instant, were handed to the Convention and read.

Ordered, That the said bond and certificate, together with the certificate of the President, of the administration of the said oath to George Leonard, be filed. And

Ordered, That the Treasurer of this State pay to the said Rebecca Patrick and George Leonard, administratrix and administrator of the goods, chattels and effects of Samuel Patrick deceased, the sum of five hundred and ninety-eight pounds, thirteen shillings, in full for the account of the said Samuel Patrick against this Convention, for fifty-four iron stoves, weighing nine tons, four hundred and twenty pounds, made at the Forest of Dean, or Orange Furnace, at the request of Major-General Schuyler, for the use of the northern Continental army, and paid by this Convention, by request of General Schuyler, in his letter of the 4th inst. And

Ordered, That the said Treasurer take a receipt in full for the same sum, and charge it to Continental account, pursuant to General Schuyler's request in the said letter.

On motion of Mr. Jay,

Resolved unanimously, That the report of the committee on the letters of Major General Schuyler, of the instant, and Brigadier-General Bayley's letters, from Gloucester county, and the resolutions thereon, be taken into consideration.

And thereupon, on motion of Mr. Morris,

Resolved, That that part of the said resolutions which respects the company raised by Brigadier-Genl. Bayley be recommitted to the same committee.

On motion of Mr. Morris, who was seconded,

Ordered, That a messenger be sent to Comfort Sands, Esquire, Auditor-General of the accounts of this State; that the President write a letter by the said messenger to Mr. Sands, and require his immediate attendance on this Convention.

An account of General George Clinton for his attendance at Congress, amounting in the whole, to the sum of £278 8*s*. 0*d*. was exhibited to Convention for payment.

Thereto is subjoined a certificate of Matthew Adgate, Alexander Webster and Benjamin Newkerk, the committee for auditing accounts; that they have examined the said account, and are of opinion that there be allowed to General George Clinton, the sum of £278 8*s.* 0*d.*

Ordered, That the Treasurer of this State, pay to Genl. George Clinton or his order, the sum of £278 8*s.* 0*d.*

An account of Abraham Heermanse against the State of New-York, for riding three days to Claverack, about the 7th instant, when he was sent as a messenger to and for Colonel Henry I. Van Rensselaer, was exhibited for payment. Thereto is annexed a certificate of the said committee of auditors, that they have examined the above account, and do allow the sum of three pounds to Abraham Heermanse.

Ordered, That the Treasurer of this State, pay to the said Abraham Heermanse or his order, the sum of three pounds, on his receipt in full for the said account.

DIE MARTIS, A. M.

March 18th, 1777.

The Convention met pursuant to adjournment.

PRESENT—Brigr. General Ten Broeck, *Presidt.*

Mr. Phil. Livingston, Mr. Dunscomb, Capt. Rutgers, Mr. Beekman, Major Van Zandt—*For New-York.*

Mr. Wisner—*For Charlotte.*

Mr. Tappen, Mr. Parks, Col. De Witt, Mr. Ray, Mr. Contine—*For Ulster.*

Genl. Ten Broeck, Mr. Ten Broeck, Mr. Adgate, Mr. Gansevoort, Mr. Tayler, Mr. Cuyler—*For Albany.*

Judge Graham, Col. Drake, Mr. Mills, Mr. Morris, Col. Van Cortlandt, Maj. Lockwood—*For Westchester.*

Mr. Smith—*For Suffolk.*

Mr. G. Livingston, Mr. Jas. Livingston, Mr R. R. Livingston, Capt. Platt—*For Dutchess.*

Mr. Harper, Mr. Paris, Mr. Veder, Mr. Newkirk—*For Tryon.*

Mr. Joseph Smith, Mr. Wisner, Col. Sherwood, Col, Allison—*For Orange.*

The committee to whom was referred the report of the committee who were chosen to confer with General Washington, Genl. McDougall and General G. Clinton, reported that the following letters be written, viz:

No. 1, to the Honourable the Congress.
No. 2, to His Excellency General Washington.
No. 3, to Genl. McDougall; and
No. 4, to General George Clinton.

The draft of the letter, No. 1, to the Honourable the Congress, was read and approved, and is in the words following:

"SIR—I am ordered by the Convention of this State, to inform you that they have long been under great apprehensions for the fate of the fortresses in the Highlands, which they have at different times strengthened by considerable bodies of their militia, when His Excellency General Washington was unable through the weakness of his army, to supply them with proper garrisons. But they lament that the want of the necessary stores must not only render all their endeavours to secure those important posts ineffectual, but endanger the troops that are thrown in to defend them. By the enclosed return, you will see the present state of Fort Montgomery. Fort Constitution is in a still more deplorable situation; and, indeed, if it cannot be better provided, should be dismantled. We wish that a discretionary power may be given for this purpose to the general that may be vested with the command.

"The Convention conceive that the neglect of these fortresses arises chiefly from their want of an active commander, whose attention is solely confined to their defence, since officers who expect daily to be removed, seldom extend their care much beyond the present hour, and are indifferent about things of the utmost moment, when they expect to leave their charge before any mischiefs happen. The Convention, therefore, take the liberty to suggest the propriety of appointing some general commandant of those forts and the works that are now erecting in the Highlands, with the rank of brigadier-general. They are too much interested in the success of this measure to think any apology necessary for mentioning it, or for recommending to Congress, General George Clinton, as a person every way qualified for this command. The Convention think it unnecessary to offer a more particular recommendation of General George Clinton, whose character is well known to the Commander-in-Chief, and to some gentlemen at Congress. He is now employed in obstructing the river, a little above Fort Constitution; a work which they hope will be finished in a few weeks, and which ought to be under the direction of the general that commands at the forts, since it may be necessary to remove part of the cannon and garrison from one to the other, in order to secure the obstruction. The Convention flatter themselves, that the Honourable Congress will consider this application as sufficiently important to deserve their immediate attention, as delay must in this case be equivalent to a refusal; more especially, as they are informed that the enemy design, very shortly, to bend their force against this State.

"I have the honour to be, &c.

"To the Honble. JOHN HANCOCK,
President, &c."

Ordered, That a copy thereof be engrossed and signed by the President, and transmitted.

The draft of the letter No. 2, directed to His Excellency General Washington, was read and approved, and is in the words following, to wit:

"SIR—The Convention are very happy to find by the gentlemen that waited on your Excellency, that their plan for the security of the forts meets with your approbation, and that the gentleman they propose to recommend to Congress is agreeable to your Excellency. They take the liberty to request that you will express your sentiments on this head to Congress, and urge their speedy adoption of so salutary a measure. The Convention finding a great deficiency of cannon ball at the fortresses, have ordered 4,000 to be cast. Many other articles necessary for their defence being wanted, they have taken the liberty to write to General McDougall for the proper supplies, from the Continental stores. Your Excellency's distance, and the variety of those cares which divide your attention, will sufficiently apologise for the interference of Convention in a matter of such great importance to the common interest.

"I have the honour to be &c.

"His Excellency, Genl. WASHINGTON."

Ordered, That a copy thereof be engrossed, and signed by the President, and transmitted.

The draft of letter No. 3, directed to General McDougall, was read and approved, and is in the words following, viz:

"SIR—The Convention view with extreme concern the defenceless state of the fortresses in the Highlands. They find by the returns from thence, that they have not more than twenty round of shot for the six 32 pounders, and not a single ball for the other twelve guns; that there is not even sponges and rammers for the cannon that are mounted; in short, sir, that the commonest things are wanting. Though this, sir, may be out of our department, yet we are too deeply interested in the consequence of this negligence to view it with indifference. We are extremely happy to find that your command extends to these forts, since we have reason to hope that you will exert yourself to put them in a posture of defence, in order to which it will be necessary to procure a number of little articles, and at least 4,000 cannon balls, a proportionate quantity of powder and wads, as well as to direct the making of cartridges. By the return you will find that if the garrison should be increased, which it doubtless must, more musket cartridges, and of course paper to make them, will be necessary. We shall always be ready, as far as lies in our power, to as-

sist you in procuring any thing which may be needful for the security of those fortresses, and have accordingly ordered 4,000 balls to be cast. We hope, however, you will be able to throw in a more immediate supply, as we have some reason to apprehend that ours may come too late.

"I am, sir, &c.

"Brigr. General McDougall."

Ordered, That a copy thereof be engrossed, and signed by the President, and transmitted.

The draft of letter No. 4, to General George Clinton, was read and approved, and is in the words following, to wit:

"SIR—The Convention are informed by the gentlemen appointed to confer with you on the forwardness of the obstructions in Hudson's river, that those works will be completed by the middle of April. It is their wish that so necessary an affair should meet with no delay.

"They therefore suggest to you the propriety of calling out so many of the militia as may be necessary for the completion of this work by the time prefixed, should those you now have be insufficient for that purpose.

"They would further observe, that stone may be speedily procured by employing a number of Albany or other sloops, who will readily contract by the load, and furnish themselves with hands for that purpose.

"I am, &c.

"Brigr. General George Clinton."

Ordered, That a copy thereof be engrossed, and signed by the President, and transmitted.

The residue of the said report was read, approved of, and agreed to, and is as follows, viz:

"The committee are also of opinion that a contract should be made for 4,000 cannon balls, viz: 1,000 32 lb. 1,000 12 lb. 1,000 9 lb. and 1,000 6 lb.; and for 400 bar shot, to wit: 100 32 lb. 100 12 lb. 100 9 lb. and 100 6 lb. to be delivered by the first day of May next.

"They are further of opinion that General Schuyler should be requested to supply Genl. George Clinton with as many heavy cannon as he can possibly spare, out of those he has purchased at Salisbury or elsewhere, and to direct the building of scows for the transportation of cannon, agreeable to the recommendation of General Washington, mentioned in the report of your committee, a copy of which report ought to be transmitted to Maj. General Schuyler."

Resolved, That Mr. Gilbert Livingston and Mr. Wisner be appointed a committee to inquire what quantities of shot and ball have been furnished by this State to the forts Montgomery and Constitution, in the Highlands, and how the same have been since disposed of. And

Resolved and Ordered, That the said committee be and hereby are authorized and requested to contract for, and procure to be made, the quantities of ball above mentioned, to be transported to those fortifications, or such other places on Hudson's river where necessary for defence against the enemy.

The committee to whom was recommitted, on the 17th inst. that part of the report or resolutions of the former committee, appointed to consider of Brigadier-General Bayley's demand, brought in their report, which was read. The same being again read by paragraphs, was amended and agreed to, and is as follows:

"1st. That upon the retreat of the army of the United States out of Canada, the inhabitants of Gloucester and Cumberland counties, as well as those of the State of New-Hampshire seated on the east side of the Connecticut river, were greatly alarmed from reports and apprehensions that they would be attacked by British troops from Canada, and by the Indians.

"2d. That many families in the above mentioned counties were so much terrified by those reports, that they actually removed into the interior part of the country for safety. That to prevent the further breaking up of the frontier settlements and for the protection of the inhabitants, Brigadier-General Bayley was applied to and earnestly solicited, not only by the committees of Gloucester, but by those of New-Hampshire bordering on Connecticut river, to engage and continue in service as scouting parties and guards, a number of men who had been employed by order of His Excellency General Washington, in making a road from Connecticut river towards Canada, the design of which was about that time laid aside.

"3d. That General Bayley accordingly about the 10th day of July last, entered into a contract with a number of men, who are named in the pay roll referred to your committee, of whom he himself retained the command or direction, Mr. William Wallace being the only officer under him.

"4th. That the said party continued in service as guards and scouting parties, and in building block houses and forts, until about the 10th of September last.

"5th. That it was a necessary service which the circumstances of that part of the country strongly called for, appears not only from the facts above alleged, and because it is so certified by the chairmen of the several committees more immediately concerned, but because this Convention itself was sensible of such necessity, and have given the fullest evidence thereof by their resolutions of the 23rd day of July last, that four companies of rangers should be raised for the defence of the said counties of Cumberland and Gloucester, and for the protection of the inhabitants.

"6th. That those companies were not completed till about the middle of August; and on the 10th of September following, the party so employed by General Bayley was discharged.

"7th. That though General Bailey was not authorized, either by the Continental Congress or by this State, to raise the said company, yet as it was done for an important service, to prevent the desertion of the frontier and the impoverishment of the inhabitants, and at the request and entreaty of committees both of this State and New-Hampshire,

"8th. The Convention, upon the whole, are of opinion that General Bayley ought not to be a sufferer, and that this Convention ought, in the first instance, to advance to him his reasonable disbursements, and the sums for which he stands justly engaged concerning the premises; the Convention being further of opinion that it will be allowed as a Continental charge."

Resolved, That the said company employed by General Bayley in the manner aforesaid, on the northeastern frontier of this State, as scouting parties, guards, and in erecting block houses, ought to be paid by this Convention; and that the money to be advanced for that purpose be charged to the United States.

The pay and subsistence roll of the said company engaged and employed by General Bayley as guards and scouting parties, and to build block houses, was then exhibited to the Convention for payment. Thereon is endorsed an affidavit of William Wallace, who as an officer superintended the said company, that the said pay and subsistence rolls are just and true, and that the men were actually in service the time therein specified; and that the charge is made according to the agreement General Bayley had made with said men.

Thereon is also endorsed a certificate of Matthew Adgate, Alexander Webster and Benjamin Newkerk, members of the committee for auditing accounts, that they have examined the said pay and subsistence rolls, and are of opinion that there be allowed to the men therein named the sum of six hundred and seventy-one pounds and two pence for the said services.

Resolved, That the Convention agrees with their committee in the said report; and General Jacob Bayley, by his letter of the 26th February last, having desired that the moneys due on the said rolls may be paid to Mr. William Wallace,

Resolved and Ordered, That the Treasurer of this State pay to the said William Wallace the said sum of six hun-

dred and seventy-one pounds and two pence, to discharge the said accounts, and take his receipt in full for the same.

The committee to whom was referred, on the 17th inst. Colonel Palmer's letter of the 11th inst. brought in their report, which was read, and ordered to be deferred for consideration.

The committee to whom was referred the consideration of a letter from General George Clinton, and the petition of teamsters therein enclosed, brought in their report, which was read.

Ordered, That it be deferred for further consideration.

Mr. De Witt moved that the Convention would now go into the consideration of the report for empowering the committee of Kingston to impress teams and erect an hospital in this town; but on motion for an adjournment, the consideration thereof was postponed.

Tuesday Afternoon, *March* 18, 1777.

The Convention met pursuant to adjournment.

Present—Brigadier-General Ten Broeck, *Prest.*

Mr. Phil. Livingston, Col. Lott, Capt. Rutgers, Mr. Harper, Mr. Jay, Maj. Van Zandt, Mr. Dunscomb, Mr. Beekman—*For New-York.*

Mr. Webster—*For Charlotte.*

Mr. Stevens—*Cumberland.*

Maj. Tappen, Colonel De Witt, Mr. Rea, Mr. Contine, Maj. Parks—*For Ulster.*

Genl. Ten Broeck, Mr. Gansevoort Mr. Tayler, Mr. Adgate, Mr. Ten Broeck, Mr. Robert Yates, Mr. Jacob Cuyler—*For Albany.*

Mr. Wisner, Mr. Smith, Col. Allison, Col. Sherwood—*For Orange.*

Judge Graham, Major Lockwood, Mr. Mills, Colo. Drake, Colo. Van Cortlandt, Mr. Morris—*For Westchester.*

Mr. Smith—*For Suffolk.*

Mr. G. Livingston, Mr. Jas. Livingston, Capt. James Schenk, Maj. H. Schenk, Robt. R. Livingston, Capt. Platt—*For Dutchess.*

Mr. Harper, Mr. Veder, Mr. Newkerk, Mr. Paris—*For Tryon.*

Mr. Governeur Morris moved, and was seconded, that the members be permitted to smoke in the Convention Chamber, to prevent bad effects from the disagreeable effluvia arising from the jail below. Debates arose thereon, and the question being put, it was carried in the affirmative, in the manner following, to wit:

For the affirmative.		*For the negative.*	
Westchester,	4	Tryon,	3
Albany,	6	New-York,	8
Ulster,	4		
	14		11

Dutchess and Orange counties divided.

Whereas from the past want of care in the prisoners now confined in the jail immediately underneath the Convention Chamber, the same is supposed to have become unwholesome, and very nauseous and disagreeable effluvia arises, which may endanger the health of the members of this Convention. Therefore

Resolved, That for the preservation of their health, the members of this Convention be at liberty at their pleasure to smoke in the Convention Chamber while the House is sitting and proceeding on business.

On motion of Mr. Jay, who was seconded,

Resolved, That Capt. Platt, Mr. Cuyler and Mr. Duane, be and are hereby appointed a committee to devise ways and means for clearing the jail below and removing the prisoners.

Resolved and Ordered, That the sloop of war commanded by Capt. Castle, do proceed to New-Windsor, and such other places as Matthew Contine, Esquire, shall direct, and bring up to Esopus Landing all such hides as belong to this State.

The Convention resumed the consideration of the form of government.

The 3rd paragraph was then taken into consideration; debates arose thereon.

Mr. Duane moved for the following amendment, to wit: to expunge from the word "proportion" included, and there add the following words, to wit: "in the proportion following, to wit: in the city and county of New-York, eight, for the city and county of Albany, for the county of Westchester, for the county of Dutchess, for the county of Ulster, for the county of Orange, for the county of Suffolk, for Queens county, for Kings county, for Richmond county, for Tryon county, for the county of Charlotte, for the county of Cumberland, for the county of Gloucester ."

Debates arose thereon, and the question being put thereon it was carried in the negative, in the manner following, to wit:

For the negative.		*For the affirmative.*	
Westchester,	4	New-York,	8
Orange,	3		
Dutchess,	5		
Albany,	6		
Tryon,	3		
Ulster,	4		

Therefore the amendment was rejected.

WEDNESDAY MORNING,

March 19th, 1777.

The Convention met pursuant to adjournment.

Present—Brigr. General Ten Broeck, *President.*

Mr. Jay—*For New-York.*

Mr. Harper, Mr. Paris, Mr. Veder, Mr. Newkerk—*For Tryon.*

Major Parks Mr. Rea, Colo. De Witt, Major Tappen, Mr. Contine—*For Ulster.*

Genl. Ten Broeck, Mr. Tayler, Mr. Cuyler, Mr. Gansevoort, Mr. Robert Yates, Mr. Ten Broeck, Mr. Adgate—*For Albany.*

Mr. Wisner, Mr. Smith, Colo. Sherwood, Col. Allison—*For Orange.*

Judge Graham, Mr. Morris, Colo. Van Cortlandt, Mr. Mills, Major Lockwood, Colo. Drake—*For Westchester.*

Mr. Smith—*For Suffolk.*

Mr. Jas. Livingston, Mr. G. Livingston, Major Schenk, Capt. Sevenk, Mr. Robt. R. Livingston, Capt. Platt—*For Dutchess.*

Mr. Webster—*For Charlotte.*

Mr. Stevens—*For Cumberland.*

It being $\frac{3}{4}$ past eleven o'clock, and a number of members being absent,

Ordered, That the doorkeeper go to the lodgings of all the absent members, and inform them that the House, for want of their attendance, cannot proceed to business as a Convention, and therefore request their immediate attendance.

Agreed, That the President write to Mr. Duer, and request his attendance at Convention without delay. And further, that the President send the letters agreed to yesterday to Congress, and General Washington and Mr. McDougall by express.

Adjourned till 3 o'clock this afternoon.

Wednesday Afternoon, *March 19th*, 1777.

The President and following members met:

Present—Brigr. General Ten Broeck, *President.*

Mr. Phil. Livingston, Mr. Jay, Mr. Duane, Mr. Beekman—*New-York.*

Major Tappen, Mr. Rea, Colo. De Witt, Mr. Contine, Major Parks—*Ulster.*

Genl. Ten Broeck, Mr. Tayler, Mr. Gansevoort, Mr. Robt. Yates, Mr. Ten Broeck, Mr. Cuyler, Mr. Adgate—*Albany.*

Mr. Morris, Judge Graham, Colo. Drake, Col. Van Cortlandt, Major Lockwood, Mr. Mills—*Westchester.*

Mr. Smith—*Suffolk.*

Mr. R. R. Livingston, Mr. Platt, Capt. Jno. Schenk, Mr. G. Livingston, Mr. Henry Schenk—*Dutchess.*

Col. Allison, Mr. Jos. Smith, Mr. Wisner, Col. Sherwood—*Orange.*

Mr. Stevens—*Cumberland.*

Major Webster—*Charlotte.*

Major Lawrence—*Queens.*

Mr. Harper, Mr. Paris, Mr. Veder, Mr. Newkerk—*Tryon.*

Several members being absent,

Ordered, That the doorkeeper call all the absent members who are in Kingston.

The members present (in the mean time) proceeded to business as a Committee of Safety.

A letter from the committee of Claverack, dated March 18, 1777, and signed by Peter Contine, clerk, relative to a certain John E. Van Alen, a dangerous, disaffected person, sent down to Convention in the custody of Lieut. Muller, was read.

Ordered, That Mr. Robert Yates, Mr. Joseph H. Smith and Mr. Wm. Smith, be a committee to examine the said John E. Van Alen, and to take such measures respecting him as to them shall appear proper,

A letter from Herman Hoffman, dated Rhinebeck, March 17, enclosing the affidavit of John Staats against Ryer Schermerhorne, charging him with depreciating the paper currency, was read.

Ordered, That the said letter and affidavit be referred to Mr. Jay, Mr. Phil. Livingston and Mr. Robert Yates.

A letter from Doctor Chauncey Graham, enclosing his account, was read and referred to the auditing committee.

On motion,

Resolved, That the President write a letter to Colonel H. B. Livingston, requesting him to inform Convention what stock, arms and other property were brought from Long island to Connecticut by the troops under his command.

THURSDAY MORNING,

March 20, 1777.

The Convention met pursuant to adjournment.

PRESENT—Brigr. General Ten Broeck, *Presidt.*

Mr. Jay, Mr. Harper, Major Van Zandt, Major R. Livingston, Mr. Duane, Mr. Beekman, Colo. Lott, Mr. Dunscomb—*New-York.*

Maj. Lawrence—*Queens.*

Mr. Webster—*Charlotte.*

Maj. Tappen, Mr. Rea, Major Parks, Colo. De Witt—*Ulster.*

Genl. Ten Broeck, Mr. Cuyler, Mr. Gansevoort, Mr. Ten Broeck, Mr. Tayler, Mr. Robt. Yates—*Albany.*

Mr. Jos. Smith, Mr. Wisner, Col. Allison—*Orange.*

Mr. Stevens—*Cumberland.*

Colo. Drake, Major Lockwood, Mr. Mills, Judge Graham, Mr. Morris, Colo. Van Cortlandt—*Westchester.*

Mr. Smith—*Suffolk.*

Mr. G. Livingston, Capt. John Schenk, Mr. R. R. Livingston, Capt. Platt—*Dutchess.*

Mr. Harper, Mr. Paris, Mr. Veder, Mr. Newkerk—*Tryon.*

A letter from Lieut. Colonel Marinus Willet, with a return of that part of Colo. Gansevoort's regiment as are at Fishkill forts in the Highlands, &c. was read and filed.

The committee to whom was referred to devise ways and means for clearing the jail in Kingston and removing the prisoners from thence, brought in their report, which was read and recommitted.

Ordered, That Mr. Phil. Livingston and Mr. Jay be added to the said committee ; and that the said committee be instructed to report to this House the crimes with which the six persons named in the first clause of the said report stand charged ; and whether, in the opinion of the said committee, all or any, and which of the said prisoners, ought to remain longer confined, and where.

The Convention proceeded further to consider the report of the committee on the form of government.

On motion of Mr. Morris and seconded,

Ordered, That the consideration of the 3rd and 4th paragraphs be postponed for the present.

Mr. Jay gave notice that he will to-morrow move for the reconsideration of the 2nd paragraph, giving the Governor a negative on all laws ; and of the 5th paragraph, declaring that elections shall be held according to the former laws of the Colony.

The sixth paragraph was then read ; the former amendment thereto agreed on, and the entry postponing the same on Friday last, was then read.

On motion of Mr. Duane, who was seconded,

Ordered, That the further consideration of the sixth paragraph be postponed for the present.

The seventh paragraph being read, on motion of Mr. Morris,

Ordered, That the 7th paragraph be postponed for further consideration.

The 8th paragraph was then read, and was read a second time.

The said paragraph was then read in parts. Convention agreed to the following words : "That the Assembly thus constituted shall choose their own speaker." Then to the following words : "Be judges of their own members." The next part of the paragraph, viz : "And proceed in doing business in like manner as the Assemblies of the Colony of New-York formerly did."

A motion was made and seconded, that after the word "members," the words "enjoy the same privileges," be inserted, and that after the word "New-York," the words "of right" be inserted.

The same amendments being agreed to and inserted, that part of the paragraph was again read and agreed to.

The residue of the said 8th paragraph was then read and agreed to.

The ninth paragraph was then read.

Mr. Robert Harper moved and was seconded, that the words "possessed of freeholds of the value of one hundred pounds, over and above all debts and incumbrances thereon," be obliterated. The question being put, was carried in the negative.

The said paragraph being then read, Mr. Jay moved and was seconded, that the words "and incumbrances" be obliterated, and the word "charges" there inserted. The same being unanimously agreed to and inserted, the said ninth paragraph was then read and agreed to.

The tenth paragraph was then read.

Mr. Wm. Harper moved, and was seconded by Mr. Rea, that the word "four" be obliterated, and the word "one" inserted in its stead.

The question being put thereon, it was carried in the negative by a great majority. The words "that the members of the Senate be elected for four years," were then read and agreed to. The residue of the 10th paragraph was then read and agreed to.

The eleventh paragraph was then read.

Mr. Wisner then moved, and was seconded, that the word "four" be changed into "fourteen," and the word "great," obliterated ; and assigned as a reason, that they may be chosen by the counties.

Debates arose thereon, and the question being put thereon, it was determined in the negative, by a great majority.

THURSDAY AFTERNOON, *March 20th*, 1777.

The Convention met pursuant to adjournment.

PRESENT—Brigr. General Ten Broeck, *President.*

Mr. Harper, Mr. Dunscomb, Major Van Zandt, Mr. Beekman, Mr. Phil. Livingston, Mr. Duane, Mr. Jay—*For New-York.*

Major Lawrence—*For Queens.*

Major Webster—*For Charlotte.*

Major Tappen, Mr. Rea, Colo. De Witt, Majr. Parks—*For Ulster.*

Genl. Ten Broeck, Mr. Cuyler, Mr. Tayler, Mr. Robt. Yates, Mr. Ten Broeck, Mr. Adgate, Mr. Gansevoort—*For Albany.*

Mr. Jos. Smith, Mr. Wisner, Col. Allison—*For Orange.*

Mr. Stevens—*For Cumberland.*

Judge Graham, Mr. Mills, Major Lockwood, Colo. Drake, Col. Van Cortlandt—*For Westchester.*

Mr. Smith—*For Suffolk.*

Capt. Platt, Capt. Jno. Schenk, Mr. Gilbert Livingston, Mr. James Livingston—*For Dutchess.*

Mr. Harper, Mr. Paris, Mr. Veder, Mr. Newkerk—*For Tryon.*

A letter from Colonel P. Gansevoort, dated Albany, March 17th, acknowledging the receipt of the order of Convention of the 10th instant, directing the commanding

officers of the five Continental regiments raising in this State, to make returns of their respective regiments; and also a letter from Lieutenant-Colonel Willet, dated at Fort Constitution, on the 17th instant, enclosing a return of part of Colo. Gansevoort's regiment, were respectively read.

Mr. Tayler informed the House that his attendance on the commissioners for auditing the Continental accounts, at Albany, is indispensably necessary, for the purpose of accounting with them for large sums of money advanced to him for the purpose of purchasing clothing for the American army; and therefore requests leave of absence, to return as soon as that business will possibly admit.

Resolved, That Mr. Tayler have leave of absence, on condition that he return as soon as the public business which now calls him to Albany, will possibly admit.

The House resumed the consideration of the plan of government.

The eleventh paragraph was then read.

After some time spent thereon, the further consideration thereof was postponed for the present.

The 32nd paragraph was then read, declaring that the free toleration of religious profession and worship shall forever hereafter be allowed to all mankind.

Mr. Jay then moved that a proviso be added in the following words, viz:

"Provided nevertheless, that nothing in this clause contained, shall be construed to extend the toleration of any sect or denomination of Christians, or others, by whatever name distinguished, who inculcate and hold for true doctrines, principles inconsistent with the safety of civil society, of and concerning which the Legislature of this State shall from time to time judge and determine."

Many debates arose thereon.

After much time spent therein, Mr. Jay moved for, and had leave to withdraw the said amendment; and then moved for and was seconded, to substitute the following addition to the 32nd paragraph, in its stead, viz:

"Except the professors of the religion of the church of Rome, who ought not to hold lands in, or be admitted to a participation of the civil rights enjoyed by the members of this State, until such time as the said professors shall appear in the supreme court of this State, and there most solemnly swear, that they verily believe in their consciences, that no pope, priest or foreign authority on earth, hath power to absolve the subjects of this State from their allegiance to the same. And further, that they renounce and believe to be false and wicked, the dangerous and damnable doctrine, that the pope, or any other earthly authority, have power to absolve men from sins, described in, and prohibited by the Holy Gospel of Jesus Christ; and particularly, that no pope, priest or foreign authority on earth, hath power to absolve them from the obligation of this oath."

Long debates arose thereon; and the question being put thereon, it was carried in the negative, in the manner following, to wit:

For the negative.		*For the affirmative.*	
Albany,	6	Orange,	3
Dutchess,	5	Mr. Jos. Smith dissenting.	
New-York,	8	Tryon,	3
Mr. Jay and Mr. Van Zandt dissenting.		Ulster,	4
		Mr. Tappen dissenting.	
	19		10

Westchester divided.

Mr. Jay moved, and was seconded, that the further consideration thereof be postponed till to-morrow morning.

Debates arose thereon, and the question being put, it was carried in the affirmative in the manner following, to wit:

For the affirmative.		*For the negative.*	
Tryon,	3	Albany,	6
Ulster,	4	Mr. Adgate dissenting.	
Westchester,	4	New-York,	8
Mr. Morris dissenting.		Mr. Jay dissenting.	
Orange,	3		
Dutchess,	5		14
	19		

FRIDAY MORNING,

March 21, 1777.

The Convention met pursuant to adjournment.

PRESENT—Brigr. Genl. Ten Broeck, *President.*

Major Van Zandt, Mr. Dunscomb, Colo. Lott, Mr. Beekman, Capt. Rutgers, Mr. Robert Harper, Mr. Phil. Livingston, Mr. Duane—*For New-York.*

Maj. Lawrence—*For Queens.*

Maj. Webster—*For Charlotte.*

Maj. Tappen, Maj. Parks, Colo. De Witt, Mr. Rea—*For Ulster.*

Genl. Ten Broeck, Mr. Gansevoort, Mr. Cuyler, Mr. Ten Broeck, Mr. Robt. Yates, Mr. Adgate—*For Albany.*

Colo. Allison, Mr. Jos. Smith, Mr. Wisner, Colo. Sherwood—*For Orange.*

Mr. Stevens—*For Cumberland.*

Major Lockwood, Colo. Drake, Mr. Morris, Colo. Van Cortlandt, Mr. Mills, Judge Graham—*For Westchester.*

Mr. Smith—*For Suffolk.*

Mr. Platt, Mr. Jas. Livingston, Mr. Gilbert Livingston, Capt. Jno. Schenk, Mr. R. R. Livingston—*For Dutchess.*

Mr. Harper, Mr. Paris, Mr. Veder, Mr. Newkerk—*For Tryon.*

The House having received information that a party of the enemy have penetrated into Westchester county, and taken prisoners and carried off one of our advanced guards, and several of the inhabitants of the said county, and the members of the said county being desirous that Major Lockwood should repair to the said county and inquire into the circumstances of the same,

Resolved, That Major Lockwood have leave of absence to repair to, and to inquire into the state of Westchester county, and that he report the same to the House as soon as possible.

A letter from the commissioners for detecting conspiracies, &c. dated the 19th inst. suggesting the impropriety of permitting persons, who refuse to take the oath of allegiance, indiscriminately to go to New-York and join the enemy, and taking with them more apparel and furniture than is necessarily required, was read. And thereupon,

Resolved, That notwithstanding the resolutions passed on the instant, the commissioners for detecting and defeating all conspiracies, &c. be, and they hereby are, instructed to use a discretionary power in granting the indulgences in the said resolutions specified, and that such as may have taken the benefit of the said resolutions, as well as those whom the said commissioners may think proper to admit to the benefit thereof, be not suffered to carry with them more apparel and household furniture than are necessary for their comfortable accommodation.

A letter from Mr. Wm. Bedlow, dated March 19th, was read. He therein requests, by order of General George Clinton, an advance of £3000, for the use of the works carrying on for the obstructions in Hudson's river, at Pollepel's isle, near the Highlands; and requests some instructions relative to settling with and paying the owners of vessels employed last December in bringing stone to the said works. Thereupon,

Ordered, That the Treasurer of this State advance to Mr. William Bedlow the sum of £3000, for the use of the works carrying on for the obstructions in Hudson's river, near Pollopel's isle, and that the said Treasurer deliver the said money to Capt. Samuel Clarke, to be by him conveyed to Mr. Bedlow, and take his receipt for the same. And

Ordered, That Capt. Bedlow be informed that it is the sense of the Convention that he ought to liquidate and pay the accounts of the owners of the vessels employed last December, as to him shall appear to be just and equitable.

WHEREAS the Convention did, in and by certain resolutions, passed on the sixth day of March instant, appoint sundry persons therein named commissioners to take into their custody, and dispose of the personal property of ill disposed persons, who have gone over to, or are with the enemy: AND WHEREAS the powers given to the said commissioners by the said resolutions may, in some instances, be found incompetent for the purposes therein mentioned: Therefore,

Resolved, That the respective commissioners therein named be, and they are hereby authorized, in cases where upon demand such personal property is refused to be given up, to apply to the respective county, or district committees, or the militia officers in the respective counties, for such aid as may be judged necessary to carry the aforesaid resolutions into execution.

AND WHEREAS Tunis Kuyper, Esq. of Kakiat, in Orange county, who was intended by the said resolutions to be appointed a commissioner, with Jesse Woodhull and John Coe, Esquires, to take into their custody, and dispose of, the personal property of ill disposed persons who are gone over to, or are with the enemy, was through misinformation, in the said resolutions called by the name of Gilbert Kuyper: Therefore,

Resolved and Ordered, That the said Jesse Woodhull, John Coe and Tunis Kuyper be informed of this misnomer, and that the said Tunis Kuyper be, and is hereby appointed a commissioner for the purposes and with the powers in those resolutions named.

Ordered, That the Treasurer of this State advance to Wm. Harper, Matthew Contine and Christopher Tappen, Esquires, a committee appointed for the purpose of purchasing arms on account of this State, or either of them, the sum of four hundred dollars; and that the said committee do render to this Convention with all convenient speed, an account, with proper vouchers of the expenditures of all the moneys to them advanced for the above purpose.

Resolved, That Zebulon Scofield be permitted, with his wife and daughter and effects, to go to the city of New-York, and that he repair to Poughkeepsie and embark from thence under the direction of the committee of Poughkeepsie precinct, who are requested to observe the like conduct towards Mr. Scofield as they were directed to observe toward Mr. Fisher.

Ordered That a commission issue to William Fansher as captain of the Poundridge company of militia; and that three blank commissions for the subalterns of the said company be delivered to Major Lockwood, to be by him filled up with names of such persons as shall be chosen.

The committee to whom was referred the request of Jacob King, a private in Capt. Duryee's company, in Colonel Swartwout's regiment, concerning a set of armourer's tools belonging to him, and which were lost in the retreat from King's Bridge, delivered in their report, in the words following, to wit:

"That this State ought not of right to pay for the said tools, as they were lost in the service of the Continent." The same being read,

Ordered, That the consideration thereof be postponed.

The petition of the ship joiners on board the ship of war Congress, praying for an augmentation of wages, was read, and ordered to lie on the table.

Ordered, That the Treasurer of this State advance to the Honourable Henry Wisner, Esquire, the sum of six hundred pounds, on account of saltpetre, by him purchased on account of this State, and take his receipt to account for the same.

The committee to whom was referred the letter from Peter Colt, relative to his transactions as an agent for the State sloop of war Montgomery, reported the draft of an answer thereto, which was read and agreed to, and ordered to be transmitted, and is in the words following, to wit:

"SIR—I am directed by Convention to acknowledge the receipt of your letter of the 11th inst. and to inform you that there has been no account of sales rendered of the prize goods alluded to in your letter; and as Joseph Hallett and John Sloss Hobart, Esquires, who were appointed agents for the privateer Montgomery, and Captain Rogers and his crew, who are interested therein, are now absent; we are unacquainted whether the negroes are slaves or not, and if slaves, what their true value is; and as the Convention have been informed that many of the prize goods were sold for less than half their value, we can give no instructions at present concerning them.

"I am, &c.
"By order.

"To Mr. PETER COLT, at New-Haven."

FRIDAY AFTERNOON, *March* 21, 1777.

The Convention met pursuant to adjournment.

PRESENT—Brigr. General Ten Broeck, *President*.

Colo. Lott, Mr. Phil. Livingston, Mr. Jay, Mr. Duane, Mr. Dunscomb, Mr. Beekman, Mr. Robert Harper, Mr. Rutgers, Major Van Zandt—*New-York*.

Major Lawrence—*Queens*.

Major Webster—*Charlotte*.

Major Tappen, Major Parks, Mr. Rea, Col. De Wit—*Ulster*.

Genl. Ten Broeck, Mr. Ten Broeck, Mr. Robert Yates, Mr. Cuyler, Mr. Gansevoort, Mr. Adgate—*Albany*.

Mr. Wisner, Colo. Allison, Mr. Jos. Smith, Colo. Sherwood—*Orange*.

Mr. Stevens—*Cumberland*.

Judge Graham, Mr. Morris, Major Lockwood, Mr. Mills, Colo. Van Cortlandt, Colo. Drake—*Westchester*.

Mr. Smith—*Suffolk*.

Mr. G. Livingston, Mr. Jas. Livingston, Capt. Jno. Schenk, Capt. Platt, Mr. R. R. Livingston—*Dutchess*.

Mr. Harper, Mr. Paris, Mr. Veder, Mr. Newkerk—*Tryon*.

A letter from the Honourable Lewis Morris, Esquire, at Congress, dated Phila. the 16th instant, acknowledging the receipt of the letter from Convention, was read and filed.

The House proceeded to the consideration of the plan of government. The thirty-second paragraph being read, Mr. Jay, seconded by Mr. Wisner, moved for the following amendment, to wit: after the word "mankind," add "provided that the liberty of conscience hereby granted, shall not be construed to encourage licentiousness, or be used in such manner as to disturb or endanger the safety of the State."

Mr. Morris moved for the sense of the House, whether this proposed amendment is not the same in substance with Mr. Jay's proposed amendment last night, and which was with leave withdrawn.

The question being put by ayes and noes, it was determined not to be the same in substance.

Mr. Robert R. Livingston moved, and was seconded, that an amendment in the following words, to wit, "provided that this toleration shall not extend to justify the professors of any religion in disturbing the peace, or violating the laws of the State," be substituted in the place of Mr. Jay's proposed amendment.

The question being put thereon, it was carried in the negative, in manner following, to wit:

For the affirmative.		*For the negative.*	
Albany,	6	Ulster,	4
Dutchess,	5	Tryon,	3
Messrs. G. Livingston and Capt. Platt dissenting.		New-York,	8
		Westchester,	4
Orange divided.	11		19

The question was then put upon Mr. Jay's amendment, viz. that a proviso be added in the following words: "provided that the liberty of conscience hereby granted, shall not be construed to encourage licentiousness, or be used in such manner as to disturb or endanger the safety of the

State," and the same was carried in the affirmative, in the manner following, to wit:

For the affirmative.		*For the negative.*	
Ulster,	4	Albany,	6
Westchester,	4	Mr. Adgate dissenting.	
Mr. Morris and Judge Graham dissenting.		Dutchess,	5
		Capt. Platt and Gilbert Livingston dissenting.	
Tryon,	3		
New-York,	8		11
	19	Orange divided.	

Mr. Morris then moved that the question on the said 32nd paragraph, with the amendment as last carried, be postponed.

Debates arose, and the question being put thereon, was carried in the affirmative, in manner following, to wit:

For the affirmative.		*For the negative.*	
Albany,	6	Ulster,	4
Dutchess,	5	Tryon,	3
New-York,	8		7
	19	Orange and Westchester divided.	

The 33rd paragraph, excluding all ministers of the Gospel from offices, civil and military, was then read, and being again read, was agreed to.

The 34th paragraph (that the militia shall forever be armed, &c.) was then read; and being again read, was agreed to.

The 35th paragraph, relating to trial by jury, was then read; and being read a second time, and some amendments moved for, on motion of Mr. Morris, the same was, by unanimous consent, postponed.

The 36th paragraph, relating to the naturalization of persons coming into this State, was read. The same being again read, Mr. Jay moved, and was seconded by Mr. Dunscomb, that between the word "State" and the word "shall," the following words be inserted, to wit: "and abjure and renounce all allegiance and subjection to all and every foreign king, prince, potentate and state, in all matters ecclesiastical as well as civil."

Debates arose thereon.

Mr. Morris then moved, and was seconded, that the words "and subjection" in the proposed amendment, be obliterated.

Debates also arose thereon.

After some time spent therein, a motion was then made and seconded, that the farther consideration thereof be postponed for the present.

SATURDAY MORNING,
March 22nd, 1777.

The Convention met pursuant to adjournment.

PRESENT—Brigr. Genl. Ten Broeck, *Presidt.*

Mr. Duane, Major Van Zandt, Mr. Beekman, Colo. Lott, Capt. Rutgers, Mr. Robert Harper, Mr. Jay, Mr. Phil. Livingston—*For New-York.*

Major Laurence—*For Queens.*

Mr. Webster—*For Charlotte*

Major Parks, Colo. De Witt, Major Tappen—*For Ulster.*

Genl. Ten Broeck, Mr. Gansevoort, Mr. Robert Yates, Mr. Ten Broeck, Mr. Adgate, Mr. Cuyler—*For Albany.*

Colo. Allison, Mr. Jos. Smith, Mr. Wisner. Colo. Sherwood—*For Orange.*

Mr. Stevens—*For Cumberland.*

Judge Graham, Mr. Morris, Mr. Mills, Colo. Van Cortlandt, Major Lockwood—*For Westchester.*

Mr. Smith—*For Suffolk.*

Mr. R. R. Livingston, Mr. James Livingston, Capt. John Schenk, Capt. Platt, Mr. Gilbert Livingston—*For Dutchess.*

Mr. Harper, Mr. Veder, Mr. Newkerk, Mr. Paris—*For Tryon.*

The Convention having information that a sufficiency of shirts were already provided for the troops raising in this State, directed Major Lockwood to inform Mr. Leake to withhold the purchasing of any more shirts; and the House being since informed that a greater quantity of shirts than these provided, will be wanting:

Resolved, That Mr. Curtenius, Mr. Leake, and the other persons employed to purchase clothing for the troops raising in this State, be directed to proceed in the purchasing of shirts, &c. the above mentioned order notwithstanding.

Resolved and Ordered, That the resolutions of this Convention, passed on the sixth day of March instant, appointing commissioners to dispose of the personal property of ill disposed persons gone over to the enemy, and the resolutions of the seventh instant, empowering the commissioners appointed for the detecting and defeating all conspiracies within this State, to permit such persons to go to the enemy as refuse to take the oath of allegiance to this State; the last letter received from the said commissioners, the resolutions of yesterday in addition to the first above mentioned, and the resolutions of yesterday in addition to the second above mentioned resolutions; and also, the five several queries delivered to Convention this day on behalf of Richard Snedeker, Esquire, and others, prisoners on parol, who have been before the said commissioners first above mentioned, be committed to a committee of this Convention, to consider of and report thereon.

Ordered, That Mr. Jay, Mr. Platt and Mr. R. R. Livingston, be a committee for that purpose.

The following resolutions relative to Mrs. Clopper and Miss Clopper, the wife and daughter of Cornelius Clopper, were read and agreed to, viz:

Resolved, That Mrs. Clopper, wife of Cornelius Clopper, who hath lately gone to the enemy at New-York, be permitted to proceed thither with her daughter.

Resolved, That they be permitted to take with them their apparel and only such part of the furniture of the said Cornelius Clopper, as the commissioners for taking care of the personal property of persons gone to the enemy, may judge necessary for their accommodation; and that they take no more provisions and liquor of any kind with them than what the said commissioners may judge to be necessary for their comfortable subsistence on their passage.

Resolved, That plate ought not to be considered as included in the article of furniture, and that the said commissioners ought to examine the baggage of the said persons, and take care that these resolutions be punctually executed.

Resolved, That the said commissioners do administer an oath to the said persons, not to carry any letters with them or communicate any intelligence to any person or persons in the city of New-York, or other places in possession of the enemy.

Resolved, That the said persons do not take with them any books of accounts, bonds, notes, or deeds, nor any greater sum in money or cash than the sum of fifty pounds.

Ordered, That the Secretary wait on Mrs. Clopper with a copy of the foregoing resolutions.

A letter from John Barclay, Esquire, chairman of the committee of Albany, dated the 19th instant, relative to obstructing the navigation of Hudson's river at the Groot Embought and the removing the grain from places adjacent to the river, was read.

Ordered, That the last paragraph of the said letter relating to the removal of the grain, be committed to Capt. Platt, Major Lawrence and Mr. Jacob Cuyler.

A letter from John A. Bradt, dated at Schenectady, the 18th of March instant, with a muster roll of his company, showing the state of that company on the 5th instant, were respectively read and filed.

A letter from Lieut. Colo. James Bruyn, of Colonel Dubois' regiment, dated the 19th instant, applying, at the request of Colonel Dubois, for an advance of one thousand pounds on account of bounty for the said regiment, was read and filed.

Resolved, That one thousand pounds be advanced to Colonel Lewis Dubois for the purpose of paying the boun-

ties which are or may be due to his regiment, and that the same be charged to the said regiment.

Ordered, That the Treasurer of this State advance to Colonel Lewis Dubois the sum of one thousand pounds, on account of bounty for his regiment. And,

Ordered, That the said Treasurer pay the said sum of one thousand pounds to Lieut. Colo. Bruyn, of the said regiment, and take his receipt for the same.

Resolved, That the colonels of the regiments directed to be raised in this State, be informed that their future applications for money be made to the Paymaster-General of the American army.

Resolved, That copies of the receipts or vouchers of the sums of money advanced by this State to the colonels of the said regiments, be forthwith transmitted to the Paymaster-General.

The petition of Samuel Knap, confined in Orange county jail under sentence of death, was read and committed to the committee to whom are committed the letters from General George Clinton and Colonel Woodhull, with the papers of the general court martial.

Major Lockwood, for reasons assigned, had leave of absence.

The report of the committee for ways and means for clearing the jail in Kingston and removing the prisoners from thence, was read and agreed to.

DIE LUNÆ, 10 HO. A. M.

March 24, 1777.

The Convention met pursuant to adjournment.

PRESENT—Brigr. General Ten Broeck, *Prest.*

Mr. Jay, Mr. Phil. Livingston, Mr. Beekman, Mr. Dunscomb, Colo. Stoutenburgh—*New-York.*

Mr. Moore, Mr. Wm. Harper, Mr. Paris, Mr. Veder, Mr. Newkirk—*Tryon.*

Mr. Wm. Smith—*Suffolk.*

Mr. Adgate, Mr. Cuyler, Genl. Ten Broeck, Mr. Robert Yates—*Albany.*

Mr. Mills, Judge Graham, Col. Van Cortlandt—*Westchester.*

Major Webster—*Charlotte.*

Major Lawrence—*Queens.*

Col. De Witt, Major Tappen—*Ulster.*

Mr. Wisner, Colo. Sherwood—*Orange.*

Mr. Jno. Schenk, Mr. Platt, Mr. Jas. Livingston—*Dutchess.*

A letter from His Excellency General Washington, dated the 20th instant, acknowledging the receipt of sundry affidavits of persons lately from New-York, was read and filed.

A letter from Archibald Hamilton, Esquire, to G. Morris, Livingston and Allison, Esquires, as a committee of correspondence, was read. He accepts the proposal of corresponding with the committee.

A letter from Egbert Benson and Melancton Smith, Esquires, dated at Fishkill, Sunday, 6 o'clock, informing that a frigate, four transports, (filled with men,) two tenders, and two row gallies, of the enemy, were coming up Hudson's river; of the landing of about 300 of the enemy at Verplank's Point; that they had embarked in boats and were preparing to land about the same number higher up, was read.

Mr. Lyon says that a captain of artillery (as he thinks) from Peekskill, informed him that the enemy had landed at Peekskill Landing about 1,500 men; that General McDougall burnt the stores, and retired to the barracks No. 2, on a hill at Peekskill; that the said captain said he saw the enemy fire a field piece from about Peemorts, which killed one and wounded one or two; that General McDougall has some troops, but not enough to stand them.

A certificate of General George Clinton, dated the 19th of March, at New-Windsor, was read. General Clinton thereby certifies, "that the bearer, Daniel Harris of Captain Woodhull's company of Orange county light horse, was out with the militia under my command last winter; that he was detached with a party of said company to take a number of horses near Pompton, supposed to be purchased for the use of the enemy, and he has reason to believe that by exerting himself on that occasion, which required despatch, he lost his own horse by riding too fast."

A certificate on the said subject, from Ebenezer Woodhull, Esquire, captain of the said troop, dated at Blooming Grove, on the 21st inst. was also read. He thereby certifies, "that the horse, the property of the bearer, Daniel Harris, was lost on duty with him last winter."

The Convention took the said certificates into consideration; and thereupon,

Resolved, That the said Daniel Harrison, commonly called Daniel Harris, who is highly recommended for his zeal and activity, having by exerting himself in the public service of his country, and thereby prevented a number of horses from being carried down to, or near to the enemy, injured his horse so that he suddenly died, ought to be paid for the said horse,

Resolved, That the sum of forty pounds be allowed to the said Daniel Harris, to enable him to purchase another horse for service in the said troop. Therefore,

Ordered, That the Treasurer of this State pay to the said Daniel Harris the sum of forty pounds, to enable him to purchase another horse for service in the said troop, and take his receipt for the same.

A draft of a letter to the commissioners for detecting conspiracies, &c. and sundry resolutions authorizing Colonel Swartwout to call out the militia of Dutchess county for opposing the incursions of the enemy, who it is said are landed near the Highlands, were read and approved, and are in the words following, to wit:

"GENT.—Your letter of yesterday has been received and laid before the Convention. As no intelligence has been received from General McDougall, and the account transmitted by you is uncertain, and perhaps not well founded, the Convention have come to a resolution, of which the enclosed is a copy, authorizing Colonel Swartwout to call out all, or such part of the militia of the county of Dutchess, as he, in his discretion, may from time to time think proper. And it is the desire of the House that your board afford him the benefit of your advice, aid and influence. Your situation will enable you to gain frequent information from Peekskill, and whatever expense may be necessary for the purpose, you will charge to the Convention. You will be pleased to furnish the Convention by express, as soon as possible, with a true state of the military operations at Peekskill and its neighbourhood.

"Yrs. &c.

"To EGBERT BENSON, Esqr. and the other Commissrs. for detecting conspiracies, &c."

Resolved, That Colonel Jacobus Swartwout be and he hereby is authorized, empowered and required, at his discretion, to call out all or such part of the militia of Dutchess county as he may, from time to time, think necessary for the security of the important forts and passes in the Highlands, and to oppose the incursions of the enemy into this State; and that he have power to impress horses, teams and carriages, and pay for the reasonable hire or use of the same.

Resolved, That the said Colonel Jacobus Swartwout take the command of the said militia so to be by him called into service; that they be allowed Continental pay and rations, and be subject to the laws and regulations provided for the government of the Continental troops while in service. That Colonel Swartwout be authorized and directed to settle the pay which may become due to the said militia, and that he appoint a paymaster for that purpose. That one thousand dollars be advanced to Colonel Swartwout for that purpose, and that he be accountable for the same; and that he be and hereby is authorized to draw on

the President of this Convention for such sums as may be necessary to enable him to execute the above resolutions.

DIE LUNÆ, 4 *ho. P. M. March* 24, 1777.

The Convention met pursuant to adjournment.

PRESENT—Brigr. Genl. Ten Broeck, *President.*

Mr. Robert Harper. Mr. Dunscomb, Mr. Phil. Livingston, Major Van Zandt, Mr. Beekman, Mr. Stoutenburgh, Capt. Rutgers—*New-York.*

Col. De Witt, Mr. Tappen—*Ulster.*

Mr. W. Harper, Mr. Veder, Mr. Paris, Mr. Moore—*Tryon.*

Mr. Adgate, Mr. Cuyler, Genl. Ten Broeck, Mr. Robt. Yates—*Albany.*

Judge Graham, Mr. Mills, Col. Van Cortlandt—*Westchester.*

Mr. Jas. Livingston, Mr. Gilbert Livingston, Mr. Platt, Mr. Schenk—*Dutchess.*

Mr. W. Smith—*Suffolk.*

Mr. Wisner, Colo. Sherwood—*Orange.*

Major Lawrence—*Queens.*

Major Wynkoop—*Charlotte.*

Mr. Stevens—*Cumberland.*

Colonel De Witt informed the Convention that many of the inhabitants of this county are destitute of gunpowder, and that it is much wanted, as they are in danger of a sudden attack from the enemy. Thereupon,

Resolved and Ordered, That Mr. Wisner be requested to order one ton of gunpowder, belonging to this State, to Kingston, with all convenient despatch.

Adjourned to nine o'clock to-morrow morning.

DIE MARTIS, 9 HO. A. M.

March 25th, 1777.

The Convention met pursuant to adjournment.

PRESENT—Brigr. Genl. Abm. Ten Broeck, *President.*

Mr. Jay, Mr. Duane, Mr. Phil. Livingston, Major Van Zandt, Mr. Dunscomb, Colo. Stoutenburgh, Capt. Rutgers, Mr. Beekman, Mr. Harper—*New-York.*

Major Tappen, Colonel De Witt—*Ulster.*

Judge Graham, Mr. Mills, Mr. Morris—*Westchester.*

Genl. Ten Broeck, Mr. Robert Yates, Mr. Adgate, Mr. Cuyler—*Albany.*

Mr. Newkerk, Mr. Paris, Mr. Moore, Mr. Wm. Harper, Mr. Veder—*Tryon.*

Mr. Wisner, Colo. Sherwood—*Orange.*

Mr. Stevens—*Cumberland.*

Mr. W. Smith—*Suffolk.*

Mr. Platt, Mr. Jno. Schenk, Mr. Gil. Livingston—*Dutchess.*

Major Webster—*Charlotte.*

A letter from General George Clinton, dated the 23rd inst. and a letter from Richard Snediker, dated the 24th instant, were respectively read.

Ordered, That both these letters be referred to the committee appointed to consider of the late resolutions, commonly called the act of grace, &c. &c.

A letter from Laurance Fonda, chairman pro tem. of the committee of the district of Claverack, including the proceedings of the said committee relative to Lieut. Colonel John Van Allen, was read.

Resolutions, empowering General George Clinton to call out the whole or any part of the militia of the counties of Dutchess, Ulster, Orange and Westchester, whenever he shall deem the same necessary, were read and agreed to, and are as follows:

WHEREAS this Convention hath great reason to apprehend that the enemy will make strenuous efforts to gain possession of the forts and passes in the Highlands, and to make incursions into and depredate the counties of Westchester, Dutchess, Ulster and Orange: AND WHEREAS in the course of military operations, the exigences of affairs may often render the calling into service all or part of the militia of those counties so pressing as to render applications to this Convention inexpedient, by reason of the distance they may be from the scene of action, as well as the delays which attend the deliberations of large bodies: AND WHEREAS Brigadier-General George Clinton doth, by his commission, take rank of all the other brigadier-generals in the counties aforesaid, and the Convention reposing great confidence in his integrity, prudence and military skill:

Resolved, That Brigadier-General George Clinton be, and he is hereby authorized and required, either on the requisition of His Excellency General Washington, or at his own discretion, to call into actual service, all or any part or portion of the militia (as well horse as foot) of the counties of Westchester, Dutchess, Ulster and Orange, or either of them; and that he station the said militia in such manner as may be most proper for the securing the forts and passes aforesaid, and frustrating the attempts of the enemy to make incursions into this State. And that they be discharged as soon as the arrival of a sufficient number of Continental troops, or other contingency shall render their continuance in the field unnecessary.

Resolved, That all such of the militia of this State as shall be called into actual service, shall be entitled to Continental pay and rations, and be subject to the order and regulations made for the government of the American army.

AND WHEREAS just cause of discontent hath heretofore arisen from the delays which have frequently been made in paying off the militia of this State, after having been in actual service as aforesaid,

Resolved, That all such sums of money as General George Clinton shall certify to be justly due to any body of the Militia, so by him called into actual service, shall, on the receipt of such certificate, and of the accounts and vouchers respecting the same, be forthwith paid out of the treasury of this State.

AND WHEREAS from the neglect of deputy quarter-masters and others, many of the inhabitants in this State, whose teams, carriages and horses have been impressed into the service, have not been paid their reasonable wages and hire for the same, whereby divers of zealous friends to the American cause, have had just reason to complain, and been discouraged from affording their aid,

Resolved, That General George Clinton, have power to impress carriages, horses, teams, boats and vessels; and that he take care that the wages or hire due for the same be punctually paid; and for that purpose, whenever satisfaction for the same cannot otherwise be speedily obtained, that he draw on the Convention for such sums of money as may be necessary for that purpose.

Resolved, That nothing in these resolutions contained shall be construed to enable Brigadier-General George Clinton to take rank of such other of the brigadier-generals of this State, as by the rules and orders for arranging the ranks of the officers of the militia of this State, have precedence of him.

Resolved, That Brigadier-General George Clinton, whenever he shall call out into actual service all or any part of the militia of the counties aforesaid, do transmit to this Convention a statement of the reasons for the same, in order that the Convention may be enabled to judge whether the expense thereof ought to be charged to the account of the General Congress, or of this State.

Resolved, That the powers by the aforegoing resolutions vested in the said Brigadier-General George Clinton, continue in full force until the first day of August next, unless sooner determined by the Convention, or future executive power of this State.

Ordered, That a copy of the aforegoing resolutions be immediately transmitted to Brigadier-General George Clinton, and that another copy be sent to Fishkill, to be published in the newspaper.

A letter from John Harper, Esquire, of Harpersfield, relative to his journey to Onehogquaga, dated the 10th of March, was read.

The account of his expenses therein enclosed, amounting to £28 11*s.* 0*d.* was also read.

A speech of five Indian chiefs named Adam, Peter, Isaac, Jacob, Hendrick, dated at Onehoghquaga, on the 1st of March instant, was also read.

Ordered, That the said letter, account and speech, be committed to Mr. Duane, Mr. Paris and Mr. Cuyler, to report thereon.

TUESDAY AFTERNOON, *March 25th*, 1777.

The Convention met pursuant to adjournment.

PRESENT—Brigr. Genl. Ten Broeck, *President.*

Mr. Duane, Mr. Rutgers, Mr. Harper, Colo. Stoutenburg, Major Van Zandt, Mr. Dunscomb—*New-York.*

Mr. Moore, Mr. Harper, Mr. Paris, Mr. Veder, Mr. Newkerk—*Tryon.*

Genl. Ten Broeck, Mr. Cuyler, Mr. Adgate—*Albany.*

Mr. Wisner, Colo. Sherwood—*Orange.*

Major Webster—*Charlotte.*

Mr. Smith—*Suffolk.*

Major Lawrence—*Queens.*

Capt. Platt, Capt. Jno. Schenk, Mr. G. Livingston—*Dutchess.*

Mr. Stevens—*Cumberland.*

Major. Tappen, Col. De Ditt—*Ulster.*

Mr. Mills, Mr. Morris, Judge Graham—*Westchester.*

Colonel Dirck Ten Broeck, of Albany, attending in pursuance of his appointment to be commissioner for superintending the Continental loan office in this State, was called into Convention.

By order of the House he was asked from the Chair, whether he was willing to accept that office, to which he answered in the affirmative.

By order of the House he was then asked what security he proposed to give for the faithful execution of that office; to which he replied, that he proposed Philip Livingston and Abraham Ten Broeck, Esqrs.

Colo. Ten Broeck then withdrew.

On the question being put whether the said sureties proposed by Colonel Ten Broeck are sufficient.

Resolved, unanimously, That the said sureties offered by Colonel Ten Broeck, are sufficient and agreeable to Convention.

The bond proposed to be taken from Colo. Ten Broeck, for the faithful execution of the office or trust of commissioner for superintending the Continental loan office in this State, was then read and approved of.

Ordered, That the said bond be executed.

The same being executed, is in the words following, to wit:

"Know all men by these presents, that we, Dirck Ten Broeck, of the city of Albany, in the county of Albany, commissioner within the State of New-York for superintending the loan office established according to a resolution of Congress of the third day of October last past, for borrowing money for the use of the United States of America, and Philip Livingston, late of the city of New-York, and Abraham Ten Broeck, of the city of Albany, Esquires, are held and firmly bound unto Peter Van Brugh Livingston, or his successors, Treasurer of the State of New-York, aforesaid, in the sum of twenty thousand pounds, New-York money, to be paid to the said Peter Van Brugh Livingston, or his successors, Treasurers of the said State; for the payment whereof we bind ourselves, our heirs, executors and administrators, jointly and severally, by these presents. Sealed with our seals and dated the twenty-fifth day of March, one thousand seven hundred and seventy-seven.

"The condition of this obligation is such, that if the above bounden Dirck Ten Broeck shall in all things well and faithfully perform the duty of such a commissioner as aforesaid, according to the true intent and meaning of the said resolutions, then and in such case the above obligation to be void, else to remain in full force and virtue.

(Signed,) "DIRCK TEN BROECK, [L. S.]
"PHIL. LIVINGSTON, [L. S.]
"ABM. TEN BROECK, [L. S.]

"Sealed and delivered in the presence of us.
"ROBT. BENSON,
"JOHN MCKESSON."

Ordered, That the said bond be deposited in the Treasury of this State, and for that purpose, that one of the Secretaries deliver the same to Gerard Bancker, Esquire, the Vice-Treasurer, and take his receipt for the same.

Ordered, That one of the Secretaries write to Michael Hillegas, Esquire, Continental Treasurer, and inform him of the appointment of Dirck Ten Broeck, Esquire, to the office of commissioner for superintending the loan office established in this State, in the stead of Henry I. Van Rensselaer, Esquire, formerly appointed, and who has declined accepting the said office.

The following resolutions, relative to the raising of hemp, were read and agreed to, to wit:

Resolved, That a quantity of hemp seed, not exceeding five hundred bushels, be purchased at the expense of this State, and transported, one-sixth part thereof to Kingston, three-sixth parts thereof to the county of Albany, and two-sixth parts thereof to the county of Tryon, and distributed gratis among such of the farmers of this State as, in the opinion of the county committees of the said counties respectively, will attend to the culture of the same; provided, that no person have less than five nor more than ten bushels thereof.

Resolved, That Governeur Morris be authorized to employ such persons in New-Jersey as he shall think fit, to purchase and forward the said hemp seed to James Jackson, of New-Windsor; and that this Convention will pay and discharge such bills as shall be drawn on their President for the first cost and charge of transportation of such hemp seed, and allow five per cent. commissions to the purchasers for their trouble in the premises.

Resolved, That Mr. James Jackson do, on receipt of the said hemp seed, forward one-sixth part thereof to Kingston, aforesaid, and the remainder thereof to the city of Albany, to be delivered to the committees aforesaid, or their order; and that he render an account of his trouble and expense therein to this Convention.

Resolved, That a bounty of twenty shillings shall be allowed and given by this State for every hundred weight of good, merchantable hemp, which shall be raised and dressed fit for manufacturing within this State, to the first day of June, one thousand seven hundred and seventy-eight; and that a certificate of the inspector of hemp, to be appointed by this Convention, or the future executive power of this State, with the affidavit of the person raising the same, purporting that the same was actually raised within this State within the time above limited, and is of good and merchantable quality, shall entitle the person raising the same to the said bounty; provided, that no person shall be entitled to the bounty unless he shall have raised at least three hundred weight of such hemp within one year.

DIE MERCURII, 10 HO. A. M.
March 26, 1777.

The Convention met pursuant to adjournment.

PRESENT—Brigadier Genl. Abm. Ten Broeck, *President.*

Mr. Duane, Colo. Stoutenburgh, Capt. Rutgers, Mr. Dunscomb, Colo. Lott, Mr. Beekman, Mr. Jay, Mr. Phil. Livingston—*New-York.*

Mr. W. Smith—*Suffolk.*

Mr. Mills, Mr. Morris, Judge Graham—*Westchester.*

Mr. Stevens—*Cumberland.*

Genl. Ten Broeck, Mr. Cuyler, Mr. Adgate, Mr. Robt. Yates—*Albany.*

Capt. Platt, Capt Jno. Schenk, Mr. Gil. Livingston, Mr. Robt. R. Livingston—*Dutchess.*

Major Tappen, Colo. De Witt, Major Parks—*Ulster.*

Mr. Wisner, Colo. Sherwood, Colo. Allison—*Orange.*

Mr. Moore, Mr. W. Harper, Mr. Paris, Mr. Veder, Mr. Newkerk—*Tryon.*

Major Webster—*Charlotte.*

Major Lawrence—*For Queens.*

A letter from Messrs. Melancton Smith and Egbert Benson, the commissioners at Fishkill, dated the 25th instant, at 4 o'clock, P. M. was read, and is as follows, to wit:

"*Fishkill, Tuesday, 4 o'clock, P. M. March 25, 1777.*

"SIR—Capt. Mitchell, who this moment arrived from Peekskill, which place he left about 10 o'clock, gives us the following intelligence, viz: That yesterday, about sunset, about 80 of our troops under the command of Lieut. Colo. Willet, attacked the advanced post of the enemy on a height beyond Colonel Van Cortlandt's house, who immediately retired with precipitation; and their whole body, about 9 o'clock, began to embark. Our people are again in possession of their former quarters. We cannot learn that the enemy have been able to carry off stores to any amount; and have taken with them only about 40 sheep and eight or ten head of cattle, and have penetrated a very little way in the country. The stores at Cortlandt's corners and Drake's mills, are saved. There are only four houses burnt by the enemy. When Capt. Mitchell came away, they were loosing their topsails, and making ready to sail. They gave out that they intended to stop at Tarry Town, and endeavour to destroy the stores at Wright's mills. We have no intelligence from Majr. Fish, but have reason to believe the stores there are saved, as some companies of the Cortlandt manor militia have marched there. We have lost no men, though two wounded, one it is feared, mortally. The enemy left three men dead on the field, and one taken prisoner. The tories furnished the enemy with what cattle and sheep they got, but we cannot learn that they flocked in to them in any great numbers. Lieut. Gano, with about twenty men, maintained his post at Fort Independence, during the whole of the time. By a deserter, Genl. McDougall learned that the enemy's force was about 600, all British; consisting of 4 regiments of about 150 each. We thought this intelligence, as it is undoubtedly true, of so much importance, that we have communicated it by express. We received the resolution for Colonel Swartwout, and as he had gone forward with the militia to Peekskill, we forwarded it by express.

"We remain sir, with respect,

"Your very humble servants,

"MELANCTON SMITH,

"EGBT. BENSON.

"*P. S.* No militia has marched from this county except Col. Brinckerhoff's."

A draft of a letter to Messrs. Smith and Benson, commissioners, in answer to their letter of the 25th instant, was read and approved of, and is in the words following, to wit:

"GENT.—Your favour of yesterday was laid before Convention. I am directed to assure you that the success of the detachment of the Continental troops under the command of Lieutenant-Colonel Willet, gives the Convention very particular pleasure. The bravery displayed on this occasion, will not only encourage our friends and relieve them from disagreeable apprehensions, but must, under Divine Providence, have a happy influence on future operations. Your attention in furnishing us with this intelligence, is highly acceptable to Convention; and they beg you will continue to inform us of every interesting event. The Convention request you will publish in Loudon's paper, as soon as possible, an authentic narrative of the defeat and retreat of the enemy. Your letter to Convention would have been forwarded for this purpose, had it not been apprehended that by the time this comes to hand, it may be in your power to publish a more particular detail. The attack of the enemy upon Ward's house having been much misrepresented, the Convention also wish that you would procure a state of the facts, and get it likewise published. Some resolutions respecting what is commonly called the Act of Grace, are now under consideration. I am therefore directed to request you to suspend your proceedings thereon until you hear from Convention, which will be very soon; considering yourselves, however, at liberty to administer the oath to such as are willing to take it, and on whose sincerity you think you may rely.

"Yours, &c."

Ordered, That a copy be made, and signed by the President, and transmitted by the messenger who brought their letter.

A letter from Ryer Schermerhorne, acknowledging his fault in having exchanged thirteen Continental dollars for six Spanish silver dollars, dated at Kingston, the 24th instant, was read, &c.

Ordered, That the said letter be committed to the same committee to whom was referred the letter from Herman Hoffman and the depositions relating to Ryer Schermerhorne.

Colonel De Witt gave notice that he will to-morrow, move to reconsider the order for publishing the resolutions passed yesterday, relative to the militia of Westchester, Dutchess, Ulster and Orange.

The petition of Lieutenant-Colonel Birdsall to the committee of Dutchess county, for an assignment of a farm for a temporary support of his family, with the several certificates attending the same, were read.

Ordered, That the Secretaries search for, and show to Convention, such resolutions of Convention as have passed, relative to the effects or estates of persons who are gone over to the enemy.

The Convention received a certified copy of a resolution of the Honourable the Congress of the United States of America, dated the 21st of January last, which was read, and is in the words following, viz:

"IN CONGRESS, *Jany.* 21, 1777.

"Application having been made to Congress by the friends of Major West, of the third Pennsylvanian battallion, now a prisoner with the enemy for an exchange of him for Mr. Jauncy, Junior, and that if the exchange takes place, Mrs. Jauncy be permitted to accompany her husband; and it appearing, on consideration of this application, that the said Mr. Jauncy, Junr. was removed to the State of Connecticut from New-York by direction of the Convention of the said State of New-York,

"*Resolved,* That the said application be referred to the Convention of New-York, that they may do therein what shall be proper.

"Extract from the minutes.

"CHAS. THOMSON, *Secy.*

The Convention proceeded to take the aforegoing resolution into consideration: And thereupon,

Resolved, That this Convention do approve of the proposal of exchanging the said James Jauncy, Junior, for the said Major West; that a copy of this resolution, and of the aforesaid resolution of Congress, be forthwith transmitted to the Honourable Jonathan Trumbull, Esquire, Governor of the State of Connecticut, and that he be requested to take the parol of the said James Jauncey, Junr. forthwith to repair with his family from the State of Connecticut to this place; and that on his arrival here, notice thereof be given by the President of this Convention to His Excellency General Washington, in order that such steps may be taken to obtain the exchange of Major West for the said James Jauncy, Junr. as His Excellency may think proper to prescribe.

Ordered, That the President write a letter to His Ex-

cellency Governor Trumbull, enclosing him a certified copy of the resolution of Congress, and of the resolutions of this Convention thereon; that he send the said letter by express, and direct the messenger to wait for the Governor's answer.

Mr. Morris moved, and was seconded by Mr. Jay, that this Convention send Mr. Tilghman a present of a horse, not exceeding the value of one hundred pounds, for his services in corresponding with a committee of this Convention.

The question being put thereon by ayes and nays, it was carried in the negative.

Mr. Duane then moved for the following resolution, viz:

Resolved, That a present be made to Colo. Tilghman, not exceeding the value of , for his services in corresponding with a committee of this House, at their request, respecting the military operations last fall and winter.

Mr. Morris then moved, and was seconded, that the blank in the above motion be filled up with the words "not exceeding the value of eighty pounds."

Debates arose thereon, and the question being put, it was carried in the affirmative, in manner following:

For the affirmative.		*For the negative.*	
Westchester,	4	Dutchess,	5
New-York,	8	Orange,	3
Albany,	6	Ulster,	4
Tryon,	3		
Mr. Moore and Mr. Harper dissenting.			12
	21		

Therefore,

Resolved, That a present be made to Colonel Tilghman, not exceeding the value of eighty pounds, for his services in corresponding with a committee of this House, at their request, respecting the military operations last fall and winter; and that Mr. Morris, Mr. Duane and Mr. Jay be a committee to lay out the said money in such manner as they shall think will best answer the purpose; and that the same be paid to the said committee on the President's warrant to the Treasurer.

A draft of a letter to the committee of Albany, was read and approved, and is in the words following, to wit:

"SIR—I am directed by the Convention to acknowledge the receipt of your letter of the 19th instant, in answer to which I am to inform you that they cannot fully approve of the mode of obstruction proposed by your body, nor the place in which you intended to make it, since any such obstruction, unless defended by fortifications from the shore, must be useless; and as the Convention are at present engaged in preparing materials for obstructing the navigation in Hudson's river, near the Highlands, which they would wish to complete as soon as possible, I am directed to inform you, that in case you have engaged any of your vessels for the purpose you mention, it would be proper to send them down to the Highlands, loaded with stone, to expedite the sinking of the frames of timber designed by General Clinton for obstructing that part of the river, which, if speedily completed, will add much to the security of the inhabitants on this side the Highlands. You will be pleased to agree with the masters of said vessels, to be paid in like manner with others employed in the same service, in proportion to the burthen of their vessels.

"Yours, &c.

"*P. S.* The subject of removing wheat, &c. &c. &c. is under consideration; the result of which will be forwarded to you as soon as the House come to a determination thereon.

"To the Chairman of the
Committee of Albany."

Ordered, That a copy thereof be engrossed, and signed by the President, and transmitted.

DIE MERCURII, 4 *ho. P. M. March* 26, 1777.

The Convention met pursuant to adjournment.

PRESENT—Brigadier-Genl. Ten Broeck, *President*.

Colo. Stoutenburgh, Mr. Dunscomb, Major Van Zandt, Mr. Duane, Mr. Jay, Mr. R. Harper, Col. Lott, Mr. Beekman—*New-York*.

Mr. Moore, Mr. W. Harper, Mr. Paris, Mr. Newkirk—*Tryon*.

Genl. Ten Broeck, Mr. Cuyler, Mr. R. Yates—*Albany*.

Capt. Platt, Mr. James Livingston, Mr. Jno. Schenk, Mr. R. R. Livingston, Mr. Gilbert Livingston—*Dutchess*.

Mr. W. Smith—*Suffolk*.

Mr. Stevens—*Cumberland*.

Mr. Mills, Mr. Morris, Judge Graham—*Westchester*.

Major Webster, Mr. Duer—*Charlotte*.

Maj. Tappen, Maj. Parks, Col. De Witt—*Ulster*.

Col. Allison, Mr. Wisner—*Orange*.

A letter from Colonel G. Van Schaick, at Albany, dated the 24th of March instant, was read, and is in the words following:

"GENTLEMEN—Pursuant to a resolution of Convention of the State of New-York, passed the 10th instant, I enclose two returns of the first regiment raising in this State, the one specifying particularly the number of men enlisted by each officer, the other in what manner the regiment is stationed. I much lament the necessity of the regiment being separated, which will prevent me from giving the necessary orders and instructions for disciplining the officers and men, and put it out of my power to see that the strictest attention is had to the soldiery, to keep up subordination and good order, matters of the first importance to new troops. It is a matter of concern to me to be under the disagreeable necessity of acquainting Convention, that it is out of our power to complete the battalion this season; the number of men enlisted in these parts for Cols. Livingston, Hazen, Warner, and upwards of four hundred batteau men, have so drained the town and county, that of late, the officers on the recruiting service have very little success; fifty-three have deserted and died since the regiment was first established, and which are not included in the enclosed returns.

"I am, with perfect esteem,
"The Convention's most humble
"And obedient servant,
"G. V. SCHAICK."

A return of the names of the officers in Colo. Van Schaick's regiment, with the number of men recruited by each officer therein; and also a return of the said regiment in its present detached state, showing the number of men in each detachment, were respectively read.

Ordered, That the said returns be put on the military file.

Resolved, That a committee of three be appointed to devise ways and means for providing a permanent defence for protecting the inhabitants of the counties of Westchester and Orange from the ravages of the enemy.

Resolved, That Mr. Duer, Mr. Morris and Mr. Wisner be the committee.

Resolved, That the report of the committee for recruiting the Continental regiments raising in this State, be taken into consideration to-morrow morning.

The House proceeded to the further consideration of the plan or form of government.

The 36th paragraph of the form of government was read; the minutes of this Convention on the 21st instant on the said 36th paragraph were then read.

The question on Mr. Morris's motion, viz: that the words "and subjection" in Jay's proposed amendment, be obliterated, was then put, and carried in the negative, in manner following, viz:

For the negative.		*For the affirmative.*	
Tryon,	3	Westchester,	4
New-York,	8	Mr. Mills dissenting.	
Orange,	3	Dutchess,	5
Ulster,	4	Mr. Platt dissenting.	
	18	Albany,	6
Charlotte divided.		Mr. Adgate dissenting.	
			15

The question upon Mr. Jay's motion being then put, it was carried in the affirmative, in manner following, viz:

For the affirmative.		*For the negative.*	
Orange,	3	Westchester,	4
Ulster,	4	Mr. Mills dissenting.	
New-York,	8	Dutchess,	5
Tryon,	3	Capt. Platt and Mr. Gil. Livingston dissenting.	
Charlotte,	2		
Albany,	6		9
	26		

Mr. Jay then moved, and was seconded by Colo. De Witt, for the following addition to that paragraph, to wit: "provided that nothing herein contained shall be construed to interfere with the connection heretofore subsisting between the Dutch congregations in this State and the classes and synods in Holland."

Debates arose thereon.

Mr. Jay then moved, and was seconded, for the following amendment to his last proposed amendment, to wit: that from the words "construed to," be obliterated, and the following words there substituted: "discontinue the innocent connection which non-episcopalian congregations in this State have heretofore maintained with their respective mother churches in Europe, or to interfere in any of the rights of the episcopalian churches now in this State, except such as involve a foreign subjection."

Debates arose thereon, and the question being put, it was carried in the negative, in manner following, to wit:

For the negative.		*For the affirmative.*	
New-York,	8	Albany,	6
Dutchess,	5		
Orange,	3		
Ulster,	4		
Westchester,	4		
Charlotte,	2		
Tryon,	3		
	29		

Mr. Jay then moved for leave to withdraw his first above proposed amendment.

Debates arose thereon, and the question being put, the votes were as follows:

For the affirmative.		*For the negative.*	
New-York,	8	Westchester,	4
Albany,	6		
Ulster,	4		
Orange,	3		
Dutchess,	5		
Tryon,	3		
Charlotte,	2		
	31		

The question being then put on the first proposed amendment, it was carried in the negative by the unanimous vote of every county present, viz:

Orange,	3	Albany,	6
New-York,	8	Tryon,	3
Ulster,	4	Westchester,	4
Charlotte,	2		
Dutchess,	5		35

Mr. Jay moved, and was seconded by Mr. Morris, that the words "and purchased lands and tenements within the same," may be transposed, and that the following words may be inserted in that paragraph, viz: "and shall comply with such further regulations as the future Legislature of the State may from time to time make, respecting the naturalization of foreigners," and that the words "and hold" be inserted after the word "purchase."

Ordered, That the paragraph be first read with the transposition only of the words *and hold*, so that the paragraph read thus, viz:

"And this Convention doth further ordain, determine and declare that every person and persons who shall hereafter come within this State, and before the supreme court shall take an oath of allegiance to this State, and abjure and renounce all allegiance and subjection to all and every foreign king, prince, potentate and state, in all matters, ecclesiastical as well as civil, shall be thereby naturalized, and enabled to purchase and hold lands in this State, and enjoy all the rights and privileges of other the subjects of this State."

The paragraph being thus transposed, the transposition was agreed to.

The other proposed amendment was read, and the paragraph read with the amendment.

The question was then put on the said other amendment proposed, to wit, to insert the words "and shall comply," &c. and was carried in the negative, in the manner following, to wit:

For the negative.		*For the affirmative.*	
New-York,	8	Albany,	6
Charlotte,	2	Orange,	3
Ulster,	4	Westchester,	4
Dutchess,	5		
	19		13
		Tryon divided.	

Thereupon,

Ordered, That the said last mentioned proposed amendment be rejected.

Mr. Morris then moved, and was seconded by Mr. Robt. Yates, that that part of the 36th paragraph which follows the word "declare," be obliterated, and the following substituted in its stead, viz:

"That it shall be in the discretion of the Legislature to naturalize all such persons, and in such manner as they shall think proper."

Mr. Jay then moved, and was seconded by Major Van Zandt, that the following part of the paragraph, viz: "provided the persons so to be by them naturalized, shall take an oath of allegiance to this State, and abjure and renounce all allegiance and subjection to all and every foreign king, prince, potentate and state, in all matters, ecclesiastical as well as civil," be retained and added to Mr. Morris's motion.

Debates arose thereon, whether the question shall be first put on Mr. Morris's motion or Mr. Jay's amendment; and the question being put, it was carried that the question be first put on Mr. Jay's amendment, in the following manner, viz:

That the question be first put on Mr. Jay's amendment.		*That the question be first put on Mr. Morris's motion.*	
New-York,	8	Westchester,	4
Orange	3	Charlotte divided.	
Tryon,	3		
Ulster,	4		
Albany,	6		
Dutchess,	5		
	29		

The question being then put on Mr. Jay's motion for retaining a part of the 36th paragraph, it was carried in the affirmative, in manner following, to wit:

For the affirmative.		*For the negative.*	
New-York,	8	Westchester,	4
Orange,	3	Albany,	6
Ulster,	4		
Tryon,	3		10
Dutchess,	5	Charlotte divided.	
	23		

Mr. Morris then moved, and was seconded, that the sense of Convention be taken, whether the paragraph, with Mr. Jay's proposed amendment of retaining that part of the paragraph before mentioned, is not the same with the paragraph last rejected.

Debates arose thereon, and the question being put, it was carried in the negative, in manner following, to wit:

For the affirmative.		*For the negative.*	
Westchester,	4	Ulster,	4
Charlotte,	2	Tryon,	3
	—	New-York,	8
	6	Mr. Phil. Livingston and Mr. Dunscomb dissenting.	
		Orange,	3
		Albany,	6
		Dutchess,	5
			—
			29

The paragraph, with Mr. Morris's amendment, as amended by Mr. Jay's amendment, was then read, in the words following, to wit:

"That it shall be in the discretion of the Legislature to naturalize all such persons, and in such manner as they shall think proper, provided the persons so to be by them naturalized shall take an oath of allegiance to this State, and abjure and renounce all subjection to all and every foreign king, prince, potentate and state, in all matters, ecclesiastical as well as civil."

The question being put thereon, it was carried in the affirmative, in manner following, viz:

For the amendment.		*Against the amendment.*	
New-York,	8	Westchester,	4
Albany,	6	Dutchess,	5
Orange,	3		—
Tryon,	3		9
Ulster,	4	Charlotte divided.	
	—		
	24		

The further consideration thereof is postponed for the present.

Ordered, That Mr. Jay, Mr. Duane and Mr. R. R. Livingston be a committee to report a proper paragraph for enabling the members of the other United American States to hold lands in this State.

Mr. Morris gave notice, that he will, to-morrow, move for the reconsideration of that paragraph of the form of government which gives the Governor a negative to all laws that may be passed by both Houses of the Legislature.

THURSDAY MORNING,
March 27, 1777.

The Convention met pursuant to adjournment.

PRESENT—Brigr. Genl. Ten Broeck, *President*.

Mr. Phil. Livingston, Mr. Duane, Mr. Jay, Capt. Rutgers, Major Van Zandt, Colo. Lott, Colo. Stoutenburg, Mr. Harper—*New-York*.

Major Lawrence—*Queens*.

Mr. Rea, Mr. Parks, Colo. De Witt, Major Tappen—*Ulster*.

Genl. Ten Broeck, Mr. Cuyler, Mr. Adgate—*Albany*.

Mr. Wisner, Colo. Allison, Mr. Clarke, Colo. Sherwood—*Orange*.

Mr. Faris, Mr. Harper, Mr. Veder, Mr. Newkirk—*Tryon*.

Mr. Smith—*Suffolk*.

Mr. G. Livingston, Mr. Jas. Livingston, Mr. Platt, Capt. Jno. Schenk—*Dutchess*.

Major Webster, Mr. Duer—*Charlotte*.

Mr. Morris, Judge Graham, Mr. Mills—*Westchester*.

Col. De Witt communicated to the House, by request of the committee of Kingston, that the jailer of the county jail is careless in the execution of his office; that there is a dangerous intercourse betwixt the disaffected persons confined in the said jail and persons from without.

Resolved, That the committee of Kingston be requested and empowered to take such measures in the premises as they may deem necessary.

A certificate signed by Elihu Marvin, chairman, and Daniel Coleman, Zachariah Dubois and Nathaniel Satterly, members of the committee of Orange county, and attested by Thomas Moffat, clerk, of an election held in Blooming Grove, on Saturday the 22d of March, 1777, for the purpose of choosing a member to serve in Convention of this State, (in the room of Archibald Little, Esquire, deceased,) when Jeremiah Clarke, Esquire, was duly elected for that purpose, and vested with the same powers wherewith the said Archibald Little, Esquire, deceased was vested, and to continue to serve as one of the members for the county of Orange, during the time that the present Convention of this State continueth to serve, was read.

Resolved, That Mr. Clarke do take his seat.

A former report, drawn by Mr. Morris, as to the rangers, was read.

On motion of Mr. Morris,

Agreed, That the said report be obliterated. And thereupon the following resolution was agreed to, viz:

Resolved, That the companies of rangers commanded by Captains Elias Haasbrouck, Jacob Rutzen De Witt, Alexander Baldwin, John A. Bradt, Marcus Demooth, Christian Kitman, John Winn, Joshua Conckey, Isaac Moss, and Lieut. Gideon Squire, be, and they are hereby discharged.

Resolved, That a copy of the aforegoing resolution be served upon the persons therein named, and that their several companies be paid until the time of the serving of such copies respectively.

AND WHEREAS this Convention did, on the twenty-sixth day of February last, resolve as follows, viz:

Resolved, That every non-commissioned officer or private in either of the companies of rangers, who shall enlist in any one of the Continental regiments commanded by the Colonels Van Cortlandt, Gansevoort, Van Schaick, Henry B. Livingston or Dubois, shall upon being sworn, be discharged from such company of rangers, and be permitted to join the regiment in which he has so enlisted.

Resolved, That no officer of the ranging companies within this State be permitted to recruit any more men.

AND WHEREAS this Convention are informed that divers of the said rangers have enlisted in the Continental service in other regiments than those specified in the said resolution; Therefore,

Resolved, That such of the said rangers so enlisted be not allowed any pay or subsistence, which may be now due to them, until they shall enlist in one or other of the five regiments in the said resolution specified.

Resolved, That the captain, or other commanding officer of each of the companies of rangers above mentioned be, and hereby is directed in his muster roll to return to this Convention, the name of each non-commissioned officer and private who has enlisted out of his company into the Continental service; and also the number of the regiment, and name of the colonel, or other commanding officer of the regiment into which such non-commissioned officer, or private, has so enlisted.

The order of the day being read, Mr. Duane read the report of the committee for recruiting the Continental regiments raising in this State, in his place, and delivered the same in at the table, where the same was again read.

The first paragraph being read, debates arose thereon. After some time spent thereon,

Ordered, That the report be recommitted, and that Mr. Duer, Mr. Morris, and Mr. R. R. Livingston, be added to the committee.

THURSDAY AFTERNOON, *March* 27, 1777.

The Convention met pursuant to adjournment.

PRESENT—Brigr. General Ten Broeck, *President*.

Mr. Jay, Mr. Phil. Livingston, Mr. Dunscomb, Mr. Beekman, Mr. Harper, Mr. Duane, Major Van Zandt, Colo. Lott, Colo. Stoutenburg, Capt. Rutgers—*New-York*.

Mr. Smith—*Suffolk*.

Genl. Ten Broeck, Mr. Robt. Yates, Mr. Cuyler, Mr. Adgate—*Albany*.

Mr. Clarke, Colo. Allison, Colo. Sherwood, Mr. Wisner—*Orange*.

Mr. Paris, Mr. Veeder, Mr. Newkirk, Mr. Moore, Mr. Harper—*Tryon*.

Mr. R. R. Livingston—*Dutchess*.

Mr. Duer, Mr. Webster—*Charlotte*.

Major Parks, Mr. Ray, Colo. De Witt—*Ulster*.

Mr. Mills, Mr. Morris, Judge Graham—*Westchester.*
Mr. Stevens—*Cumberland.*

The Convention took into consideration several things which make it peculiarly necessary, at present, that this State should keep a representation attending in Congress, considered the cases of their respective Delegates, and made some progress towards keeping up such representation.

To-morrow being a day set apart throughout this State, by order of Convention, as a day of humiliation, fasting and prayer, the House adjourned till Saturday morning.

DIE SABBATI, 10 HO. A. M.

March 29, 1777.

The Convention met pursuant to adjournment.

PRESENT—Brigr. Genl. Abm. Ten Broeck, *Presidt.*

Mr. Phil. Livingston, Colo. Stoutenburgh, Mr. Dunscomb, Major Van Zandt, Mr. Beekman, Mr. Duane, Mr. Robt. Harper, Colo. Lott, Capt. Rutgers, Mr. Jay—*New-York*

Mr. Stevens—*Cumberland.*

Major Webster, Mr. Duer—*Charlotte.*

Genl. Ten Broeck, Mr. Adgate, Mr. Cuyler, Mr. Robt. Yates, Col. P. R. Livingston—*Albany.*

Colo. Allison, Colo. Sherwood, Mr. Clarke—*Orange.*

Mr. Mills, Judge Graham, Mr. Morris—*Westchester.*

Mr. Smith—*Suffolk.*

Mr. Moore, Mr. W. Harper, Mr. Newkerk, Mr. Paris, Mr. Veder—*Tryon.*

Major Tappen, Mr. Rea, Mr. Contine—*Ulster.*

A petition of Thomas Pettit, doorkeeper, dated 25th instant, for the reasons therein set forth, praying for an addition to his wages, was read.

Ordered, That it be committed to Mr. Graham, Major Van Zandt and Mr. Cuyler to consider and report thereon.

The petition of Leonard Smith, Junr. of New-Marlborough precinct, in Ulster county, dated the 25th instant, setting forth that his sloop was taken into public service last fall, by reason of the approach of the enemy, was stripped of her sails, and left at Terry Town; that he has frequently applied to his employers for sails to remove the said sloop; and a certificate of Wm. Dobbs that the said sloop was employed in the Continental service in the months of October and November last, were read.

Ordered, That the same be referred to the committee last above named.

WHEREAS Mr. Jacob Le Roy, by his petitions of the 31st day of December last and of the 26th instant, for sundry reasons therein assigned, hath prayed the permission of this Convention to go to the city of New-York,

Resolved, That the prayer of the said petition be granted, and that the said Jacob Le Roy do make application to His Excellency Genl. Washington, upon this subject, and that he do not go to the said city without leave first obtained of the General.

Resolved, That Mr. Rutgers and Major Tappen be a committee to purchase the thirty tons of hemp resolved on the 25th instant to be purchased, in order to be manufactured into cables and rigging.

Colonel Allison, from the committee of correspondence, delivered in a report, which was read, in the words following, to wit:

"Your committee appointed to correspond and employ riders for that purpose to ride express to Fishkill, beg leave to report: That they have employed John Cregier to ride express to Fishkill, in which said service he has rode six days, at twenty shillings per day, amounting to six pounds, and now propose to discharge him.

"Per order,

"WM. ALLISON,
"*Chairman.*"

Ordered, That the Treasurer of this State pay to the said John Cregier, or his order, the said sum of six pounds, and take his receipt for the same.

The Convention were informed that a quantity of Continental salt has lately arrived at Philadelphia, and that some considerable quantities of salt have also been there imported on private account.

Ordered, That Mr. R. R. Livingston draw up a proper representation to Congress of the distresses to which this State is reduced for want of that necessary article, and the causes which prevent their obtaining it; and requesting that this Colony may be permitted to purchase a part of the salt belonging to the Continent.

A letter from Isaac Abel to Matthew Adgate, Esquire, dated 29th January, relative to the value of the brig Nancy, and the other articles of property left at Mr. Schenk's store with the said brigantine, and requesting payment, was read.

Ordered, That it be referred to Mr. Robert Yates, Mr. John Schenck and Mr. Wm. Harper.

Mr. Tappen informed the Convention that the committee of auditors have for some days had several accounts which they have audited, and are ready to report to the House.

Ordered, That they be referred to the Auditor-General.

The petition of Bloomer Nelson, Jacob Schurman, Samuel Haines and Joseph Turner, prisoners taken with Lownsbury, praying to be permitted to take the oath of allegiance and be discharged, was read.

Ordered, That the said petition lie on the table. And

Ordered, That Mr. Robert Harper, Mr. Duer and Mr. Platt be a committee to inquire into and report to this Convention the names of all the subjects of this State who have engaged in the service of the enemy, and are now in confinement in the different jails of this State, distinguishing the ages of the said persons and the rank they hold in the enemy's service; and that the said committee report such a plan for the disposal of the said prisoners as they shall deem most consistent with sound policy, and best adapted to promote the interest of the State.

DIE SABBATI, 4 *ho. P. M. March* 29, 1777.

The Convention met pursuant to adjournment.

PRESENT—Brigadier-Genl. Abm. Ten Broeck, *President.*

Mr. Duane, Mr. R. Harper, Mr. Beekman, Colo. Lott, Major Van Zandt, Capt. Rutgers, Mr. Dunscomb—*New-York.*

Major Tappen, Mr. Rea, Colo. De Witt, Mr. Contine—*Ulster.*

Genl. Ten Broeck, Mr. R. Yates, Mr. Adgate, Colo. P. R. Livingston, Mr. Cuyler—*Albany.*

Mr. Moore, Mr. W. Harper, Mr. Paris, Mr. Veder, Mr. Newkerk—*Tryon.*

Mr. Stevens—*Cumberland.*

Mr. W. Smith—*Suffolk.*

Mr. Mills, Judge Graham, Mr. Morris—*Westchester.*

Mr. Duer, Major Webster—*Charlotte.*

Colo. Sherwood, Mr. Clarke, Colo. Allison—*Orange.*

A memorandum of Andrew Taylor, assistant quartermaster-general, of sundry casks, a box, a hogshead and a hamper, containing medicines, said to have belonged to Doctor Brownjohn, and to have been taken near Hackensack, was delivered to the President, and read; and the President informed the Convention that the said casks, box and hamper are on a wagon in this town, waiting the order of this Convention.

Ordered, That the said casks, hogshead, box and hamper be put into the store of John Elmendorph; and Doctor Thomas Jones be requested to inventory and appraise the said medicines.

A letter from Colonel John Hathorne, dated the 27th instant, relative to the Sterling company of militia, in answer to the letter of Convention to him on that subject, of the instant, was read and filed.

Resolved, That Colonel Hathorne be informed that Convention are of opinion that a lieutenant and ensign are sufficient to command so small a body of men as the Ster-

ling company, and the more especially as the lieutenant and ensign have commissions, and have by the precinct committee been directed to take charge of so many of that small company as remain; and therefore, for the present, decline issuing any other commissions for that company.

WHEREAS sundry acts and resolutions have lately passed in the Honourable the General Congress of the United States of America, materially affecting this State, with the true reasons and principles whereof it is highly expedient that this Convention should be fully informed, which cannot so well be done as by a conference with their Delegates now in Congress. Therefore,

Resolved, That Messrs. Francis Lewis, William Floyd and Lewis Morris be requested to repair to this Convention.

AND WHEREAS it is highly expedient, that this State should all times continue represented in Congress:

Resolved, That Mr. Philip Livingston and Mr. Duane, be directed immediately to repair to the city of Philadelphia for that purpose.

AND WHEREAS it is necessary that as many of the Continental Delegates of this State as possible should continue in this Convention:

Resolved, That an addition of one be made to the delegation of this State, and that any two of the Delegates make a representation.

The Convention then proceeded to elect by ballot such additional Delegate, and the ballots being taken and told, William Duer, Esquire, was unanimously elected by the whole Convention present, (except the Deputies of Charlotte county, of which he is one,) in manner following to wit:

For Mr. Duer,		*For Mr. Morris,*	
No. 1. New-York,	8	No. 7. Charlotte,	2
2. Westchester,	4		
3. Albany,	6		
4. Ulster,	4		
5. Orange,	3		
6. Tryon,	3		
	28		

Therefore,

Resolved, That William Duer, Esquire, be, and is hereby appointed a Delegate, or Representative of this State in Congress.

Resolved, That Mr. Jay, Mr. R. R. Livingston and Mr. Morris be a committee to draw and report instructions to the Delegates who are ordered to attend Congress.

Sundry questions were then put to Convention, and answered, in order that the committee appointed to draw up instructions, might know the sense of Convention, on the several matters, to enable them to prepare the draft of such instructions.

Resolved and Ordered, That the committee of Charlotte county be informed by a messenger sent as express to the chairman, that William Duer, Esquire, one of their Deputies, is appointed a Delegate to represent this State in Congress, whereby their county will be left so unrepresented as not to have a vote in Convention; and that the said county committee be directed to send John Williams, Esquire, their other Deputy, to attend this Convention immediately; and if he cannot immediately attend, that the said county committee notify the inhabitants to assemble and elect another Deputy for their county, to attend this Convention without delay, that the said county may be respresented, and have a voice at this important crisis.

MONDAY MORNING,

March 31, 1777.

The Convention met pursuant to adjournment.

PRESENT—Brigr. Genl. Ten Broeck, *President*.

Mr. Jay, Mr. Dunscomb, Major Van Zandt, Colo. Stoutenburg, General Scott, Mr. Phil. Livingston, Mr. Robert Harper—*New-York*.

Mr. Moore, Mr. Harper, Mr. Paris, Mr. Veder, Mr. Newkerk—*Tryon*.

Genl. Ten Broeck, Mr. Adgate, Mr. Robert Yates, Mr. Cuyler, Colo. Livingston—*Albany*.

Colo. Allison, Mr. Clarke, Mr. Wisner—*Orange*.

Mr. Smith, Mr. Tredwell—*Suffolk*.

Mr. Webster—*Charlotte*.

Colo. De Witt, Mr. Contine, Major Tappen, Mr. Rea—*Ulster*.

Mr. Morris, Judge Graham, Mr. Mills, Colo. Van Cortlandt—*Westchester*.

Mr. Stevens—*Cumberland*.

Mr. William Harper, from the committee appointed to hear Colonel Van Allen, of Claverack, and to consider of, and report on the sundry affidavits against him, transmitted by the committee of Claverack, brought in their report, which was read.

A letter from the committee of Claverack, dated the 23rd March, and the examinations of Garrit Herdick, John Herdick and William Herdick, the three witnesses against him, were respectively read, as follows:

"IN COMMITTEE,
"*Claverack District, March* 23, 1777.

"GENT.—Enclosed, we send you copies of evidence taken before this board relative to the behaviour of Colonel John Van Alen. You will find by the resolution subjoined to the same, that the consideration of the matter is submitted to the determination of Convention. We have cited Colo. Van Alen to appear before you for that purpose. The affair of Colo. Van Alen has for some time excited the attention of many. We could wish we had had no occasion to trouble you herewith.

"We are, gent.

"Your most obt. and hble. servt.

"By order of the committee,

"LAWRANCE FONDA, *Chairn. P. T.*

IN COMMITTEE,
"*Claverack District, March* 22, 1777.

"An information being lodged against John Van Alen, Lieut. Colonel in the eighth regiment of militia for the county of Albany, and one of the members of this committee, that his late behaviour had been such as to give just grounds to suspect that his sentiments were not altogether friendly to the liberties of America: whereupon a meeting of the committee of this district was ordered to be held this day, to take said information into consideration, and to proceed to examine such evidences as shall be offered on the subject; in consequence of which, nine members appeared for that purpose.

"*Ordered*, That the examination of the evidence in the case of Colo. Van Alen be forthwith proceeded upon, and that he be requested to be present, and he attended accordingly.

"Garret Herdick, being duly sworn upon his examination, saith, that about 2 or 3 weeks ago Colonel John Van Alen, Aaron Van Derkar and John Herdick, were at the deponent's house; that John Herdick observed tha the had heard Cornelius Clopper was gone to New-York. Colo. Van Alen answered, he had heard so from the girl, (meaning Clopper's daughter,) upon which the deponent's wife said, there are now many that are disposed to turn their coats or change sides, and leave the poor Congress to lose their heads; that Van Alen answered thereupon, that he did not care how many, or what became of it, if we could but have peace, and said is that not better than that so many thousands must die? he further said, that there were people that would lay their heads upon a block if we could but have peace; that he always formerly found and looked upon Colonel Van Alen as a friend to his country; that he was much surprised to hear such expressions from him.

"John Herdick being sworn, saith, that being at the house of Garret Herdick, some time ago, he saw Colo. Van Alen there; that observing to him that he had heard that Cornelius Clopper was gone to the enemy—received for answer, he did not know; that thereupon the wife of

Garret Herdick lamented the situation of the Congress, and said they would perhaps yet be obliged to flee, or lose their heads, through such men; that Colo. Van Alen answered, I don't care a donder or hagel about it, if we could but have peace; otherwise it would yet perhaps cost the lives of thousands.

"William Herdick, being sworn upon his examination, saith, that coming at the house of Garrit Herdick, he found Colo. Van Alen, with others, there; that he heard his aunt Mantze Herdick observe that the poor Congress, (or words of that sort,) were exposed to lose, or that it would come upon their heads, if the enemy overcame them; that Colo. Van Alen answered thereupon, he did not care what became of it if we could but have peace.

"*Resolved*, That the consideration of the above matter be postponed until to-morrow.

"In Committee, *March* 23.

"Present, nine members.

"The committee having duly considered the foregoing proofs, and other circumstances that have been offered, and that have appeared against said Van Alen, do resolve that a copy of the proofs taken before this board be transmitted to Convention, for their determination, and that Colo. Van Allen be served with a copy of this resolution, and that he be cited to appear before Convention on Thursday next, the 27th instant, for that purpose.

"Extract from the minutes.

"PETER CANTINE, Jr."

The report of the committee was then read again, amended and agreed to, in the words following, to wit:

Colonel Van Alen being asked whether all or any part of the evidence contained in the affidavits against him was true, he denied having any view, to the Convention, but alluded, by the words "he did not care how many," to the persons that went to the enemy.

And whereas Colonel Van Allen has heretofore borne a good character as a true friend to his country, and being willing to take the oath of allegiance to this State, it is the opinion of your committee that the Secretary be ordered to administer to him the said oath, and he be thereupon discharged, until further inquiry be made; and that in the mean time he be suspended from the exercise of his office as a lieutenant-colonel in the militia of this State.

Resolved, That the Convention agrees with their committee in their report. And,

Ordered, That one of the Secretaries administer the said oath.

A letter from Lieutenant-Colonel Willet, dated at Fort Constitution, on the 29th inst. was read, and follows, to wit: [Missing.]

Ordered, That it be committed to the committee of arrangement, and that an extract of that part of the said letter which relates to the stock on the farm now or lately in the possession of Beverly Robinson, Esquire, be transmitted by the Secretaries to the commissioners in Dutchess county, for taking care of the effects of persons gone to the enemy.

Mr. Wisner then informed the Convention that he has applied to Hibernia furnace, which is the nearest furnace in blast, to cast cannon ball, in pursuance of the order of this Convention to their committee directed to procure that necessary article; that the distance to Hibernia furnace being great, the cartage must of course be expensive, and therefore the committee request the opinion and direction of Convention whether they shall pursue obtaining ball at that furnace.

Resolved, That the Convention approves of the said measures of the committee, and desire they may by every means endeavour to obtain cannon ball.

Mr. Wm. Harper moved, and was seconded by Mr. Adgate, that the doors of Convention Chamber may be open at all times when the form of a constitution and plan of government is under consideration. Debates arose thereon, and the question being put thereon, it was carried in the negative by a great majority.

Monday Afternoon, *March* 31, 1777.

The Convention met pursuant to adjournment.

Present—Brigr. General Ten Broeck, *President*.

General Scott, Major Van Zandt, Mr. Beekman, Mr. Harper, Colo Stoutenburg, Mr. Phil. Livingston, Capt. Rutgers, Mr. Dunscomb, Mr. Jay, Colo. Lott—*New-York*.

Maj. Lawrence—*Queens*.

Major Tappen, Mr. Rea, Mr. Contine, Colo. De Witt—*Ulster*.

Genl. Ten Broeck, Mr. Robert Yates, Mr. Cuyler, Colo. Livingston, Mr. Adgate—*Albany*.

Mr. Wisner, Colo. Allison, Colo. Sherwood, Mr. Clarke—*Orange*.

Major Webster—*Charlotte*.

Judge Graham, Mr. Morris, Mr. Mills, Colo. Van Cortlandt—*Westchester*.

Mr. Smith, Mr. Tredwell—*Suffolk*.

Mr. Robt. R. Livingston—*Dutchess*.

Mr. Veder, Mr. Paris, Mr. Harper, Mr. Newkerk, Mr. Moore—*Tryon*.

Mr. Stevens—*Cumberland*.

A letter from Israel Honeywell, Junior, dated the 28th instant, was read, as follows, to wit:

"Philip's Manor, (Westchester county,) *March* 28, 1777.

"The situation of affairs in our county is truly deplorable. We have daily accounts of cattle being stole and drove downwards to support our cruel, merciless and inveterate enemies, by our more than savage neighbours, the tories, who have of late become so insulting as to hiss at men passing, and several have been fired at in the road.

"Isaac Oakley, at the Plains, has been robbed of 36 head of cattle the night before last, a number of Continental oxen, ox chains, &c. have been taken off. Last night a number of our guard went down below to Peter Van Tassel's, consisting of Capt. Dean and nineteen privates, and about 4 o'clock this morning were alarmed; a number of regulars and tories had come to Mr. Acker's and were driving off all his stock, upon which a small skirmish ensued on their march to Mr. Van Tassel's, in which our men beat them off and saved the cattle.

"You have undoubtedly heard of Judge Thomas and Mr. Miller being taken prisoners and carried down, and we have various accounts from below of the enemy's design of coming up to fetch a number more of our most active men.

"We are at present under very precarious circumstances, having no troops but a few raised in this county; you'll therefore see the necessity, if we mean to protect our friends, that we should be assisted with a number of troops, and that with the utmost despatch.

"I am, &c.

"*P. S.* The tories are daily going down in droves; 31 went at one time.

"*N. B.* The loss we have sustained for this week past amounts at least to one thousand pounds per day.

Ordered, That the said letter be referred to the committee appointed to devise a permanent defence for the said county, and that General Scott be added to the said committee.

General Scott, seconded by Mr. Robert Harper, moved for the following resolutions, to wit:

Whereas, from the want of courts properly instituted for the trial of treasons and other offences against this State, the resolutions heretofore passed for the punishment of the same have not been executed, whereby divers persons in this State, who have been employed by the enemy as spies, or for the purpose of enlisting men into their service, or furnishing them with supplies or intelligence, many of whom were not punishable by the Continental articles of war, have escaped with impunity:

Resolved, That all such persons as have been or shall be apprehended in this State, without the enemy's lines, by Continental or other American troops, as spies from the enemy, or for enlisting men into their service, or for fur-

nishing supplies or intelligence to them, be tried for the said offences by martial law, and if found guilty, suffer death or other punishment at the discretion of a general court martial of the Continental army or of the militia of this State; provided that where any person shall have been convicted by a court martial by virtue of this resolution, that the sentence shall not be executed until approved by this Convention or a future Legislature of this State.

WHEREAS a form of government will soon be established in this State, and proper courts organized for the trial of offences therein: Therefore,

Resolved, That the resolution above mentioned continue in force until the first day of July next, unless sooner repealed by this Convention or the future Legislature of this State.

Resolved, That the consideration thereof be postponed till to-morrow morning.

A letter from John Henry, dated the 21st of March, was read, as follows:

"DR. SIR—I should have advised of the receipt of the last 2,000 dollars sent me per Lieut. Britt, ere this; but opportunity did not serve until this instant; the amount of which I have passed to the credit of this State.

"I am still remaining ignorant what the bounty given to our soldiers may consist of; as there has latterly been some dispute between me and the officers about this matter, would humbly request that a copy of the different articles given as a bounty might be sent me, in order to prevent future mistakes. Please to inform me if there are perquisites arising from the sale of casks, box or bale, that may at any time be sent to this clothing store with goods, to any assistant, otherwise than under my direction, as I am determined that nothing of that sort shall be appropriated to any other use than that of the public, until I receive orders to the contrary. Bounty jackets are become very scarce with me, as also materials to make them, which are much wanted at this time by our new recruits; I should be glad to know where to obtain any for the use of this State. I hope the clothing committee will give me some speedy assistance in this important affair.

"I am, &c.

"PIERRE VAN CORTLANDT, Esq."

Thereupon,

Resolved, That no perquisites of any kind ever were or now are allowed by Convention to any commissary, clerk, storekeeper or assistant in the clothing store in this State; that no such perquisites be allowed to any person whatever; that every sum or advantage that has arisen or may arise from the sale of any casks, boxes, bales, or other articles, be credited to the State.

Ordered, That the Secretaries inquire of the clothing committee as to bounty waistcoats, and every other article necessary to enable this Convention to answer the said letter, and give Mr. John Henry all necessary information.

On motion of Mr. R. R. Livingston, seconded by General Scott,

Ordered, That a letter be written by the President, and sent by express to the committee of Albany, requesting them to apprehend and confine Major William Edminston, till further order.

The said letter being written, is in the words following, to wit:

"GENT.—The Convention having been informed that Major Wm. Edmondson, a British officer, having obtained leave to go to New-York to solicit his exchange, has returned from thence; and that, after having travelled publicly through the State, he is now at large in Albany; they conceive that his knowledge of the country, and his acquaintance with the designs of the enemy, render him a dangerous person, and one who ought by no means to be suffered to go at large; they therefore request of you to have him immediately apprehended and confined, in such manner as you think most proper, and to write to Convention as soon as may be, what you have done herein.

"Should Major Edminston have passed to Tryon county, you will be pleased to send on an express to that place, requesting the committee to take proper measures to apprehend him.

"I am, gent. &c.

"To the Committee of Albany."

The House proceeded to the consideration of the allowance to the Delegates of this State in Congress.

Mr. Dunscomb, seconded by Capt. Rutgers, moved that eight dollars per day be allowed the Delegates of this State in Congress.

Debates arose, and the question being put, was carried in the negative, in manner following, to wit:

For the affirmative.		*For the negative.*	
New-York,	8	Ulster,	4
Col. Lott and Major Van Zandt, dissenting.		Orange,	3
Westchester,	4	Albany,	6
		Mr. Cuyler and Col. Livingston, dissenting.	
		Tryon,	3
	12		16

Mr. Morris moved, and was seconded by Genl. Scott, that seven dollars per day be allowed to the Delegates of this State in Congress.

Debates arose thereon, and the question being put, it was carried in the affirmative, in manner following, to wit:

For the affirmative.		*For the negative.*	
Westchester,	4	Ulster,	4
Albany,	6	Orange,	3
Mr. Adgate dissenting.			
New-York,	8		7
Tryon,	3		
	21		

Therefore,

Resolved, That this State will in future allow seven dollars per day to each of their Delegates while attending at Congress, or in necessarily going to and returning from thence.

A certificate, signed by Elihu Marvin and Israel Seely, two of the committee of Cornwall precinct, of an election of militia officers in the late Capt. Little's company in Oxford district, to wit: Thomas Horton, captain; Josiah Seely, 1st lieutenant; Nathan Marvin, 2nd lieutenant, and Barnabas Horton, Junr. ensign, was read.

Ordered, That commissions issue to the captain and his two lieutenants, and that the ensign's commission do not issue, until his political character be inquired into.

The House proceeded to consider the form of government.

Mr. Jay (agreeable to notice) moved for the reconsideration of the 2nd paragraph of the plan of government.

Debates arose, and the question being put thereon, was carried in the affirmative, in manner following, to wit:

For the affirmative.			
Ulster,	4	New-York,	8
Orange,	3		
Tryon,	3		24
Albany,	6	Westchester divided.	

On motion of Mr. R. R. Livingston,

Resolved, That the consideration of the said 2nd paragraph be postponed until to-morrow.

TUESDAY MORNING,

April 1, 1777.

The Convention met pursuant to adjournment.

PRESENT—Brigr. Genl. Ten Broeck, *President*.

Mr. Phil. Livingston, Colo. Lott, Capt. Rutgers, Colonel Stoutenburgh, Major Van Zandt, Mr. Dunscomb, Mr. Harper, Genl. Scott, Mr. Jay, Mr. Beekman—*New-York*.

Major Lawrence—*Queens*.

Mr. Morris, Mr. Mills, Judge Graham, Colo. Van Cortlandt—*Westchester*.

Genl. Ten Broeck, Mr. Adgate, Colo. Livingston, Mr. Cuyler, Mr. Robert Yates—*Albany*.

Colo. Allison, Mr. Wisner, Mr. Clark, Colo. Sherwood—*Orange*.

Mr. Harper, Mr. Moore, Mr. Veder, Mr. Newkirk, Mr. Paris—*Tryon*.

Mr. Smith, Mr. Tredwell—*Suffolk.*

Mr. Jas. Livingston, Mr. Gil. Livingston, Capt. Platt, Capt. Jno. Schenk, Mr. R. R. Livingston—*Dutchess.*

Colo. Williams, Major Webster—*Charlotte.*

Major Tappen, Mr. Rea, Mr. Contine, Colo. De Witt—*Ulster.*

Mr. Stevens—*Cumberland.*

The Convention were informed that Kayend-alongwea, one of the head warriors of the Oneida nation, together with the Revd. Mr. Kirkland, a missionary among the Oneida Indians, are now in Kingston; that they are a part of a company who have been to visit the State of Massachusetts Bay, and some other of the eastern States, and to visit General Washingston and the American army; that five of the party have proceeded on their journey; that they stand in need of a small sum of money to defray their expenses on their return home.

A certificate or passport to Mr. Kirkland and the said Indians, from Genl. Schuyler, Volkert P. Douw and Edwards, three of the commissioners for Indian affairs; and also a passport from General Washington, for their return to their own country, and recommending them to all civil bodies and military officers, for aid and assistance, were respectively read. Thereupon,

Resolved and Ordered, That Robert Benson, Esquire, one of the Secretaries, advance to the said Indian chief and Mr. Kirkland, the sum of one hundred dollars, to defray their expenses on their return from His Excellency General Washington to their country. And

Ordered, That the Treasurer of this State repay the said one hundred dollars to Mr. Benson.

Mr. Kirkland, as interpreter, with the said Indian chief, were admitted to Convention. Thereupon a speech was delivered to him by the President in separate sentences, in the words following, and translated to the said Indian chief, by Mr. Kirkland, viz:

"Brother—We, the Representatives of the State of New-York here met, are happy to see you on your return from a visit to our Chief Warrior. We are sorry to hear that your brethren are already gone on, and that you are obliged to leave this place so soon: it would have given us pleasure to have smoked a pipe with you and them, and to have assured you of our determination to keep the roads open between your nation and us, and to keep bright the chain of peace.

"We commend the wisdom of your nation in deputing you to repair to our Chief Warrior, and see the situation of our affairs. We hope you will now be enabled to contradict those false reports concerning the enemy's strength and our weakness, which their wicked emissaries have artfully attempted to diffuse through the Indian nation.

"Brother—We wish you a good journey. Assure our brothers, the Oneidas, and the rest of the Six Nations, of our friendship, and accept this small acknowledgment of the regard we have for you and our other brethren of your company."

Kayendalongwea, the said Indian chief, then replied; and his reply by paragraphs, was interpreted by Mr. Kirkland, in substance, as follows:

"Brother chiefs here met in council, hear for a moment. I am glad to see so many of you, come from a great distance, many of whom I know. We also come from a great distance, chiefs of the Oneida tribe. I am glad to see so many of you here in peace, and sorry that your old council fire has been disturbed.

"Brothers—I am rejoiced to see so many of you here superintending the public affairs at this place: we are old friends: we wish to see you at your old council fire at the sea side; we hope the Good Spirit will protect you, and remove your enemies from thence. We thank you for your kindness to us and to our party, the others of whom have gone forward.

"Brothers—I return thanks to the Great Spirit above, that I see so many of you in peace, and that so many are in peace in different parts of this country. You are threatened here—we are also threatened to the westward. We will keep a good look-out to the west; and we see your arms every where turned to the enemy, and trust you will keep a good look-out too. It would give me pleasure to tarry some time, but the affairs of my nation call me home, and my party have gone forward.

"Brothers—Possess your minds in peace. My warriors and one chief are gone forward, and their conductor with me, and no one to guide them. I am sorry they are gone, but it is now necessary that we should proceed on our way. We are well pleased with what we have seen, particularly the Chief Warrior, whom we look on as our protector.

"Brothers—We have met this day, and must this day part. I can't say much, as I am alone. We Indians are more jealous of each other than you white men, more especially, you that are counsellors.

"In all our travels, the voice of my party has been, that the King of Great Britain has spread lies through the Six Nations. Your people, or the superintendent at Albany, have not told us one lie. They told us that he had possessed the whole sea coast. We find it not true. We are well pleased with what we have seen. We have not seen one spot on which he has set his foot. We have seen many places you have taken from him. Our country is in a difficult situation. There is an enemy to the westward: it is therefore necessary for me to return home without delay, and inform the Six Nations of what we have seen and know.

"Brothers—You have given us assistance to travel on the road; we thank you, brothers, for your kindness. We must inform you that we have in our journey, been every where well treated. We have lived in plenty, and been frequently carried above ground, which is not common to us warriors. We shall faithfully represent to the Six Nations, the state of affairs, as we have seen and heard them."

The said Indian Chief and Mr. Kirkland departed.

Another petition of Zebulon Scofield, setting forth that it is against the general orders in the army, to permit any person to go to New-York, and praying that Convention will give him a pass to any commanding officer at the lines at Peekskill, or otherwise.

Ordered, That the said petition lie on the table.

A copy of a letter from Francis Lewis, Esquire, one of the delegates in this State, at Congress, dated at Baltimore on the 12th of March last, was received and read, and is in the words following, to wit:

"Gentlemen—I wrote you the 16th, 31st January and 18th February, addressed to the President, since which I have been honoured with his of the 13th February, directing several articles to be purchased out of the Montgomery's prizes for the use of the State, which it was not in my power to execute for the following reasons, viz: upon an application of Congress setting forth that as several hundred recruits for the new battalions were daily coming into this town from the States of Virginia and Maryland, in order to reinforce Genl. Washington's army, and these being destitute of proper clothing, &c. it would be absolutely necessary that the several articles captured by the Montgomery, and suitable for the soldiery should be applied here, and requested my assent, which I peremptorily refused; the next day it was moved in Congress, that an order should issue appointing four persons to appraise all the woollens and linens, &c. suitable for the soldiery, captured by the Montgomery armed vessel. Upon the motions being read, I objected to the proceeding as partial, and gave the following reasons: that as the property was on condemnation vested in the State of New-York, together with the captain and crew of the Montgomery, and that the latter insisted upon having their property disposed of in the customary manner, at public vendue, and urged the evil that might attend such a precedent,

especially as I had directions from your Convention to purchase those articles, and forward them to you for the clothing of your troops, as they (the Congress) well knew that the State of New-York, in its present circumstances, had no port open through which they could introduce any supplies; but maugre all my objections, the question was put and carried, *nemine con.* for the motion; and four gentlemen of this town appointed appraisers. The members of Congress having left this a few days afterwards by adjournment to Philadelphia, the appraisers when met, declared themselves inadequate to the appointment, being totally unacquainted with the value of those goods, which, together with the captain and crew's opposition to that mode, produced an agreement between the parties, that all should be sold at auction, except the woollens and coarse linens which the Congress were to take at the rate of a dollar currency for what cost one shilling sterling for the woollens, and 4*s.* 6*d.* per yard for the coarse linens. The rest of the cargo that sold at vendue I compute, upon average, went off at about one thousand per cent. As a specimen, yard wide Irish linen that cost 2*s.* 8*d.* per yard sterling, sold for 24*s.* currency, per yard. A dollar is 7. 6*d.* Cordage sold at £14 5*s.* per cwt.

"I forgot to mention that in answer to my arguments against the motion, Congress availed themselves of a letter from General Washington, advising them that the Convention at Fishkill had there stopped (as I think) thirty-six wagons laden with clothing for the army immediately under his command. He says, 'Indeed I cannot blame them knowing their distressed situation.' However of this a handle was made to obviate my objections.

"The sale of the schooner's cargo is now completed In short, such was the exhorbitant prices which these goods sold at, that I was deterred from making a considerable purchase; add to this the difficulty of procuring conveyances, which are all employed in transporting the Congress stores, the members' baggage, together with that of the new battalions, on their march to Head-Quarters. I have only bought a few casks of barley, some coils of cordage and the four ⋊ cut saws, thinking that they may be of service with General Schuyler at Albany, and these perhaps I may be obliged to leave behind for the public, for want of conveyance.

"The trial of the brig laden with salt, is to come on Tuesday the 18th instant. I believe she will be acquitted by the Admiralty court, being claimed by an inhabitant of this town; if so, Capt. Rogers intends appealing to Congress, as it appears by the register and papers found on board that she was owned in Ireland, and bound to New-York, which the claimants pretend was only for a covering.

"Capt. Rogers has his sloop almost ready for the sea, and intends sailing as soon as the brigantine's trial is over, but informs me that himself and crew are entitled to a moiety of all captures. Upon my asking him for his articles, he told me that his agreement was verbal, *i. e.* to be upon the same footing with armed vessels fitted out by the Congress, which were originally one-third for the captors; but previous to his taking these two last prizes, Congress had extended it to one-half. As this is contrary to the tenor of your last letter, I shall cause the distribution of the prize money to be deferred until I receive your further instructions on this head. Our State still being unrepresented in Congress, it was thought necessary I should remain here a few days longer to transact some business in the marine department; in that time I shall get the sales of the prizes, &c. completed, and set off for Philadelphia; from thence transmit you the account. Please to furnish me with your directions in the disposal of the nett proceeds; and permit me again to remind you of having our State represented in Congress; it has suffered by the omission.

"I am, &c.
"F. LEWIS."

The Convention resumed the consideration of the resolutions moved for yesterday and postponed. The same being read, and again read by paragraphs, and amended, were agreed to.

Ordered, That the said resolutions be published in the newspapers, and that the commissioners for detecting conspiracies, &c. at Fishkill, be requested to have 500 copies printed in handbills; that they cause 100 thereof to be distributed and affixed up in the most public places in the counties of Dutchess and Westchester, and send the residue to this Convention; that the committee of correspondence transmit a copy to General Washington; and that copies be sent to Congress, Genl. McDougall and General Clinton.

On reading the letter from the Honourable Francis Lewis, dated the 12th of March, relative to the prizes of the sloop of war Montgomery,

Resolved, That this Convention agree to allow one-half of the nett proceeds of the prizes of the vessel of war Montgomery, belonging to this State, to the captors; and that Mr. Lewis be requested to cause the distribution of the prize money to be made accordingly: And

Resolved, That Mr. Lewis be requested to lay out the other moiety of the nett proceeds of those prizes in salt, to be purchased at Philadelphia, and advise this Convention thereof as soon as he shall have an opportunity, and have purchased such salt.

DIE MARTIS, 4 HO. P. M.

April 1, 1777.

The Convention met pursuant to adjournment.

PRESENT—Brigr. Genl. Abm. Ten Broeck, *President.*

Col. Stoutenburgh, Mr. Dunscomb, Mr. Jay, Major Van Zandt, Colo. Lott, Capt. Rutgers, Mr. Robt. Harper, General Scott, Mr. Beekman—*New-York.*

Mr. Paris, Mr. Moore, Mr. Wm. Harper, Mr. Veder—*Tryon.*

Colo. Allison, Mr. Wisner, Colo. Sherwood, Mr. Clarke—*Orange.*

Genl. Ten Broeck, Mr. Adgate, Colo. P. R. Livingston, Mr. Cuyler, Mr. Robert Yates—*Albany.*

Mr. John Schenk, Mr. Gil. Livingston, Mr. Platt, Mr. R. R. Livingston, Mr. Jas. Livingston—*Dutchess.*

Major Webster, Colo. Jno. Williams—*Charlotte.*

Major Lawrence—*Queens.*

Mr. Wm. Smith—*Suffolk.*

Judge Graham, Colo. Van Cortlandt, Mr. Mills, Mr. Morris—*Westchester.*

Mr. Stevens—*Cumberland.*

Major Tappen, Mr. Cantine, Colo. De Witt, Mr. Rea—*Ulster.*

A letter from the Honourable John Hancock, President of Congress, dated the 26th March, containing resolutions appointing George Clinton, Esquire, a brigadier-general, was read, and is as follows:

"SIR—The enclosed copy of the proceedings of Congress will inform you that your favour of the 18th instant was duly received, and laid before them. I have the pleasure to acquaint you, that Congress, concurring in opinion with you as to the necessity of appointing a commandant for the fortresses in the Highlands, and highly approving of the gentleman recommended for that purpose by your body, immediately promoted him to the rank of a brigadier-general.

"The enclosed letter to him, covering his commission, I am to request you will take the trouble of delivering.

"I have the honour to be,
"With the greatest respect, sir,
"Yr. mo. obt. servt.
"JOHN HANCOCK, *Presidt.*

"Honle. ABM. TEN BROECK, Esq."

The resolution of Congress therein enclosed, dated the 25th of March, was also read as follows, to wit:

"IN CONGRESS, *March 25th*, 1777.

"A letter of the 18th March, 1777, from the Convention of New-York, was read, recommending the propriety of appointing a commandant of the forts in the Highlands: Whereupon,

"*Resolved*, That a commandant be appointed with the rank of brigadier-general.

"The ballots being taken, George Clinton, Esq. was elected.

"By order of Congress.
"JOHN HANCOCK, *President*."

Convention was informed that at least one of the commissioners appointed in Westchester county, to carry into execution the resolutions of this Convention, passed on the sixth day of March last, with respect to the effects of persons who have gone over to or joined the enemy, is much indisposed, and that an additional commissioner is necessary in that county. Therefore,

Resolved, That Mr. James Hunt, be and is hereby appointed a commissioner in Westchester county, together with those named in the said resolution, and with the like powers and authority as the other commissioners therein named; and that any two of the said commissioners be and are hereby empowered to act.

In pursuance of the order of yesterday, the Convention proceeded to the further consideration of the second paragraph of the form of government.

The said 2nd paragraph was then read.

Mr. Jay moved, and was seconded, that the words "a governor and," and also the proviso to that paragraph, be obliterated.

Mr. Robert R. Livingston then moved, and was seconded by Mr. Platt, for the following amendment, making the Governor, Judges and Chancellor, a check upon every bill, in the words following, to wit:

"AND WHEREAS laws inconsistent with the spirit of this Constitution, or with the public good, may be hastily and unadvisedly passed,

"*Be it Ordained*, That the Governor for the time being, the Chancellor and the Judges of the Supreme Court, or any two of them, together with the Governor, shall be, and hereby are constitued a Council to revise all bills about to be passed into laws by the Legislature; and for that purpose shall assemble themselves from time to time, when the Legislature shall be convened; for which nevertheless they shall not receive any salary, or consideration, under any pretence whatever; and that all bills which have passed the Senate and Assembly shall, before they become laws, be presented to the said Council for their revisal and consideration; and if, upon such revision and consideration, it should appear improper to the said Council, or a majority of them, that the said bill should become a law of this State, that they return the same, together with their objections to the same in writing, to the Senate, who shall enter the objections sent down by the Council at large, in their minutes, and proceed to reconsider the said bill. But if, after such reconsideration, two-thirds of the Senators present shall, notwithstanding the said objections, agree to pass the same, it shall, together with the objections, be sent down to the General Assembly, where it shall also be reconsidered, and if approved by two-thirds of the members present, shall be a law.

"And, in order to prevent any unnecessary delays,

"*Be it further Ordained*, That if any bill shall not be returned by the Council to the Senate within ten days after it shall have been presented to the Council, the same shall be a law, unless the Legislature shall by their adjournment render a return of the said bill within ten days impracticable; in which case the bill shall be returned to the Senate on the first day of the meeting of the Legislature after the expiration of the said ten days."

Debates arose on this last proposed amendment. After some time spent thereon, on motion of Genl. Scott, seconded by Mr. Robt. R. Livingston,

Ordered, That the farther consideration of this second paragraph, and the said two last proposed amendments, be postponed till to-morrow.

The 32nd paragraph was then read, and all the minutes of the proceedings of Convention on the 20th and 21st of March last, on the said 32nd paragraph, were also read.

Mr. Phil. Livingston took his seat.

Mr. Morris moved, and was seconded, for the following amendment to the 32nd paragraph, as amended on the 21st of March last, viz:

That between the words "be" and "construed," the word "so" be inserted; that the words "to encourage" be obliterated, and the words "as to excuse acts of," there substituted; and that after the word "licentiousness," the remainder of the paragraph be struck out, and the following words inserted, viz: "or justify practices inconsistent with the peace or safety of this State," so that the whole paragraph may read thus:

"Provided that the liberty of conscience hereby granted, shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State."

Debates arose thereon, and the question being put, it was carried in the affirmative, in manner following:

For the affirmative.

New-York,	8	Dutchess,	5
Ulster,	4	Tryon,	3
Charlotte,	2	Orange,	3
Albany,	6		—
Westchester,	4		35

Therefore the amendment is agreed to.

The whole 32nd paragraph, as thus amended, was then read and agreed to.

The 36th paragraph, as in the first draft, was then read. All the minutes of the Convention, taken on the 21st and 26th of March, were also read.

The paragraph, as it remained by the last amendment on the 26th of March, was then read as follows, viz:

"And this Convention doth further, in the name and by the authority of the good people of this State, ordain, determine and declare, that it shall be in the discretion of the Legislature to naturalize all such persons, and in such manner as they shall think proper; provided the persons so to be by them naturalized shall take an oath of allegiance to this State, and abjure and renounce all allegiance and subjection to all and every foreign king, prince, potentate and state, in all matters ecclesiastical as well as civil."

The same being read a second time, Mr. Morris moved, and was seconded by Mr. R. R. Livingston, that the said 36th paragraph be obliterated.

Debates arose thereon.

Mr. Jay then moved, and was seconded, for the following amendment, to wit: that after the word "provided," insert the words, "all such of," and after the word "naturalized," insert the following words: "as being born in parts beyond sea, and out of the United States of America, shall come to settle in and become subjects of this State."

Debates arose thereon; and after some time spent therein, and the question being put by ayes and noes, the said amendment was agreed to without a negative.

The said paragraph was then read with the said amendment, in the words following, viz:

"And this Convention doth further, in the name and by the authority of the good people of this State, ordain, determine and declare, that it shall be in the discretion of the Legislature to naturalize all such persons and in such manner as they shall think proper; provided all such of the persons so to be by them naturalized, as being born in parts beyond sea, and out of the United States of America, shall come to settle in and become subjects of this State, shall take an oath of allegiance to this State, and abjure and renounce all allegiance and subjection to all and every foreign

king, prince, potentate and state, in all matters ecclesiastical as well as civil."

The consideration of Mr. Morris's motion for the obliteration of the said 36th paragraph, was then resumed.

Debates arose thereon.

After some time spent therein, the question was put thereon, and carried in the negative, in manner following, to wit:

For the negative.		*For the affirmative.*	
New-York,	8	Albany,	6
Mr. Dunscomb dissenting.		Mr. Adgate dissenting.	
Ulster,	4	Westchester,	4
Orange,	3	Mr. Mills dissenting.	
Tryon,	3	Dutchess,	5
Charlotte,	2	Mr. Gilbert Livingston and Mr. Platt dissenting.	
	20		15

The said 36th paragraph was then read for approbation, and the question being put thereon, was carried in the affirmative, in manner following, viz:

For the 36th § as amended.		*Against the 36th § as amended.*	
New-York,	8	Dutchess,	5
Mr. Dunscomb dissenting.		Mr. Platt and Gil. Livingston dissenting.	
Ulster,	4	Albany,	6
Orange,	3	Mr. Adgate dissenting.	
Colo. Sherwood dissenting.		Westchester,	4
Tryon,	3	Mr. Mills dissenting.	
Charlotte,	2		
	20		15

Thereupon the said 36th paragraph was agreed to.

Philip Livingston, Esquire, gave notice that on Thursday next he will move the Convention to reconsider the said 36th paragraph.

WEDNESDAY MORNING,
April 2nd, 1777.

The Convention met pursuant to adjournment.

PRESENT—Brigr. Genl. Ten Broeck, *President.*

Mr. Jay, Mr. Dunscomb, Mr. Harper, Capt. Rutgers, Colo. Lott, Colo. Stoutenburgh, Major Van Zandt—*New-York.*

Maj. Lawrence—*Queens.*

Maj. Tappen, Colo. De Witt, Mr. Contine, Mr. Rea—*Ulster.*

Genl. Ten Broeck, Mr. Adgate, Col. Livingston, Mr. Cuyler—*Albany.*

Colo. Allison, Mr. Clarke, Colo. Sherwood—*Orange.*

Mr. Moore, Mr. Harper—*Tryon.*

Judge Graham, Mr. Mills, Colo. Van Cortlandt—*Westchester.*

Mr. Smith, Mr. Tredwell—*Suffolk.*

Mr. Jas. Livingston, Mr. G. Livingston, Capt. Platt, Capt. Jno. Schenk—*Dutchess.*

Maj. Webster, Colo. Williams—*Charlotte.*

Mr. Stevens—*Cumberland.*

A letter from General McDougall, dated at Peekskill, the 22d of March, was read and committed to the committee appointed to devise ways and means for the defence of Westchester and Orange counties.

Mr. Platt informed Convention that Colo. Anthony Hoffman, by reason of his want of health, and of his being one of the loan officers of Dutchess county, and that Mr. Ephraim Paine, for other reasons by him assigned, have each declined to act as commissioners, mentioned in the resolutions of this Convention, passed on the sixth day of March last, for taking into their custody and disposing of the effects of persons gone over to the enemy: Therefore,

Resolved, That Isaac Sheldon and Henry Livingston, Junr. Esquires, be, and hereby are, appointed commissioners in the county of Dutchess, for carrying the said resolutions into execution, with all the powers and authority, and under the like regulations as the other commissioners of the counties therein named.

Resolved, That John Rowan, Aaron Fuller and John Moorhouse, Esquires, be, and hereby are, appointed commissioners to take into their custody, the effects of such persons in Charlotte county as are gone over to the enemy; and that the said commissioners be vested with the like powers and authority, and under the like regulations as the commissioners appointed in other counties in this State by the resolutions of this Convention, made and passed on the 6th and 21st days of March last.

Judge Graham, from the committee to whom was referred the petition of Thomas Pettit as to his wages, reported that they have taken the same into consideration, and are of opinion that the said Thomas Pettit should have for his services as doorkeeper, the sum of ten shillings per day, allowed him from the first day of February last.

Thereupon, Mr. James Livingston moved, and was seconded by Capt. Rutgers, that the word "ten" be obliterated, and the word "twelve" there inserted; the question being put thereon, it was agreed to. Thereupon,

Resolved, That Thomas Pettit be allowed for his services as doorkeeper, the sum of twelve shillings per day from the first day of February last.

Judge Graham, from the committee to whom was referred the petition of Leonard Smith, Junr. reported that they have taken the same into consideration, and are of opinion that from the nature of the service in which the petitioner's vessel was employed, and from the certificate of Wm. Dobbs attending, the same vessel of the petitioner was employed in the Continental service as is therein certified; that therefore Mr. Leonard Smith, Junr. be advised to apply to the Quarter-Master-General of the Continental army or to some of his assistants.

Resolved, That the Convention agrees with their committee in their said report.

A draft of a letter to the Honourable the Congress was read and approved, and is in the words following, to wit:

"GENT.—While the difficulties with which we contended were such as any efforts of ours could remove, we forebore to call your attention from the weighty concerns of America, to the distresses of a single State; yet, when in the common cause, and not by our own carelessness or negligence we are borne down by misfortunes, we are, in some measure entitled to that care which you are ready to extend to every part of the Continent you represent.

"When our trade was first interrupted, almost every article in this State, necessary for the troops, was purchased up on account of the Continent, owing to the vicinity of the army and the cheaper rate at which goods were bought in this State than in any other. Though by this a most distressing scarcity was occasioned, yet we bore up against it, by encouraging the importation of commodities from other States, and submitted, without repining, to the extravagant imposition to which this subjected us. The article of salt could not then be procured from abroad, and little remained to the inhabitants of this State, after the demands of the army were satisfied. By a prudent and equal distribution of what was left, we endeavoured to lengthen out our store; but of this resource we are at last deprived; the scarcity of salt has arisen to a most alarming height; a great majority of the inhabitants of this State being without any, and the most provident having but little more than will supply their present necessities. Excluded from the sea, our expectations, either from trade or the works that we erected at great expense, are entirely frustrated; and we are sorry to add, that the little commerce we carried on through some neighbouring ports is cut off by the operation of laws, against which we are too much interested to be competent judges either of their policy or justice. In this situation, gentlemen, to whom can we apply but to the great Council of America? who, if we are rightly informed, have the means, as we are persuaded that they have the inclination, to relieve us.

"We flatter ourselves, therefore, that you will order so much salt to be delivered to our Delegates as can be spared from your stores, without injuring the public, at such price as you may deem reasonable.

"We do not mention the distress occasioned by a total want of this necessary article, or the injury that the pub-

lic cause sustains by the clamours of the importunate, since we conceive it unnecessary to enforce by arguments a request which nothing but its being inconsistent with the general welfare can induce you to refuse, in which case, we shall patiently acquiesce in such refusal.

"We are, &c."

Ordered, That a copy thereof be engrossed, and signed by the President, and transmitted.

WEDNESDAY AFTERNOON, *April 2d*, 1777.

The Convention met pursuant to adjournment.

PRESENT—Brigr. Genl. Ten Broeck, *President*.

Mr. Phil. Livingston, Genl. Scott, Colo. Lott, Capt. Rutgers, Colo. Stoutenburgh, Maj. Van Zandt, Mr. Jay, Mr. Harper, Mr. Dunscomb, Mr. Roosevelt—*New-York*.

Major Lawrence—*Queens*.

Mr. Moore, Mr. Harper, Mr. Newkerk—*Tryon*.

Maj. Tappen, Colo. De Witt, Mr. Rea, Mr. Contine, Maj. Parks—*Ulster*.

Genl. Ten Broeck, Colo. Livingston, Mr. Adgate, Mr. Cuyler, Mr. Robt. Yates—*Albany*.

Mr. Smith, Mr. Wisner, Colo. Sherwood, Colo. Allison, Mr. Clarke—*Orange*.

Mr. Webster, Colo. Williams—*Charlotte*.

Mr. Morris, Judge Graham, Mr. Mills, Mr. Tomkins, Colo. Van Cortlandt—*Westchester*.

Mr. Smith, Mr. Tredwell—*Suffolk*.

Mr. R. R. Livingston, Mr. Jas. Livingston, Mr. Gilbert Livingston, Capt. Platt, Capt. John Schenk, Colo. Humphrey—*Dutchess*.

Mr. Stevens—*Cumberland*.

The committee appointed to devise a permanent defence for the southern parts of this State, delivered in their report, which was read and postponed till to-morrow morning.

Cornelius Johnson, Junr. one of the coroners of the State of New-York, for the county of Ulster, returned to Convention an inquest, taken by and before him, upon the view of the body of Benjamin J. Low, then and there lying dead, by the oaths and under the seals of Nicholas Vandline and twelve other good and lawful men of the county of Ulster; whereby it is found that the said Benjamin J. Low came to his death by the casual discharge of a gun of Coenraedt Elmendorph, loaded with shot, and then in the hands of Coenraedt Edmondus Elmendorph, an infant; and it is thereby found that the said gun is of the value of forty shillings. The said coroner requested the further direction of the Convention in the premises.

Ordered, That the said coroner of Ulster county take a bond of some reputable inhabitant of Ulster county, to the Treasurer of this State, in the sum of five hundred pounds, conditioned for the appearance of the said Coenraedt Edmondus Elmendorph at the next court of oyer and terminer and general jail delivery to be held in and for the county of Ulster, and that he shall not depart thence without leave of the said court.

The Convention resumed the consideration of the form of government.

The second paragraph as it stands amended in the original draft, was read.

The minutes of Convention of yesterday evening, containing the amendment moved for by Mr. Jay, and the amendment moved for by Mr. R. R. Livingston, were respectively read.

Debates arose on the second proposed amendment. After some time spent therein, the said second proposed amendment was again read, and the question being put thereon, it was carried in the affirmative, in manner following, viz:

For the amendment.		*For the negative.*	
Dutchess,	5	Ulster,	4
Albany,	6	Major Tappen dissenting.	
New-York,	8		
Westchester,	4		
Orange,	3		
Charlotte,	2		
Tryon,	3=31		

The question being then put on Mr. Jay's proposed amendment, it was determined in the affirmative unanimously.

Colo. De Witt moved, and was seconded by Mr. Jay, that the Governor, Judges and Chancellor shall not be entitled to any salary or pay for the business assigned them as a Council by this constitution.

Mr. Livingston's proposed amendment was then amended according to Colo. De Witt's proposed amendment, and again read and agreed to.

THURSDAY MORNING,

April 3d, 1777.

The Convention met pursuant to adjournment.

PRESENT—Brigr. General Ten Broeck, *President*.

Mr. Jay, Mr. Phil. Livingston, Mr. Harper, Genl. Scott, Mr. Dunscomb, Major Van Zandt, Colo. Stoutenburgh, Colo. Lott, Mr. Beekman, Mr. Roosevelt, Capt. Rutgers—*New-York*.

Mr. Jas. Livingston, Mr. Gilbert Livingston, Capt. John Schenk, Colo. Humphrey, Capt. Platt, Mr. R. R. Livingston—*Dutchess*.

Colo. Williams, Major Webster—*Charlotte*.

Major Lawrence—*Queens*.

Genl. Ten Broeck, Mr. Cuyler, Mr. Adgate, Colo. Livingston—*Albany*.

Mr. Smith, Mr. Tredwell—*Suffolk*.

Judge Graham, Mr. Mills, Mr. Tomkins, Colo. Van Cortlandt—*Westchester*.

Mr. Harper, Mr. Moore—*Tryon*.

Maj. Tappen, Maj. Parks, Colo. De Witt, Mr. Rea, Mr. Contine—*Ulster*.

Mr. Joseph Smith, Colo. Sherwood, Colo. Allison, Mr. Clarke, Mr. Wisner—*Orange*.

Mr. Stevens—*Cumberland*.

A letter from Michael Jackson, chairman *pro tempore*, dated Goshen, April 1st, enclosing an affidavit of John Moore, relative to a certain plot or conspiracy intended, under the command of Joseph Barton, was read, as follows, viz:

"GENTLEMEN—This day being the anniversary for choosing town officers, a very considerable number of members, both of county and precinct committee, were assembled at the house of Colo. Nicoll's, at Goshen, when we had presented to us the enclosed deposition, which we thought proper to transmit to you. We have duly inquired into the character of the deponent, and think him a person worthy of credit; and as we look upon ourselves as materially concerned, we beg your further advice on the propriety of sending out one-third part of our militia, as agreed upon by a meeting of General Clinton and the field officers of the counties of Ulster and Orange, pursuant to a resolve of your Honourable Body.

(Signed,) "MICHAEL JACKSON,
Chairman pro tempore."

The said affidavit enclosed in the foregoing letter, was then read, and is as follows, viz:

"The evidence of John Moore, taken before the committee of the precinct of Marmacating, this 31st day of March, 1777:

"'That on Wednesday last, at Major Decker's, Samuel Haring came to him to persuade him to join in a certain plot that they intended to put in execution next Wednesday against the whigs; upon which Moore replied that he did not choose to act against them, for he lived amongst them and they used him well. And Moore asked him how they intended to proceed? Upon which Haring replied, that Joseph Barton was to meet them with 3,000 men at Sussex court house, and the design is, that the men of war were to sail up the North river, upon which they expected that the militia would be called to guard along the North river, and that they were to divide themselves into two parties, the one to come along this way, and the other some other way, and they expected a party from the northward across the lakes, to be joined by the Indians, and so all at

once fall upon the country and cut off and destroy what they can. And further the deponent saith, that Haring told him that there were recruiting officers out raising all the men they could, and for encouragement, every man that joins is to have 100 acres of land; and that he, the said Haring, was to have the command of a captain; and that he had raised 28 men, Briant Hammon had 39 men, and Francis McGee had 32 men; McGee's men all sworn. Said Haring likewise said, that his brother-in-law, Jacobus Brink, was one of his principal men, and James McCormick was one of his sergeants; that they were all to go over the mountain to Sussex court house to join Joseph Barton. Said Haring likewise told Moore that if he did not join them they would certainly shoot him.

"'Attested before me,

"'BENJAMIN DEPUY, *Chairman.*'"

Resolved, That a copy of the letter from the chairman of the committee of Goshen precinct, together with a copy of the deposition of John Moore, be sent to Brigr. Genl. George Clinton, and that he be requested to cause the persons therein named to be immediately apprehended.

The committee to whom was referred the consideration of ways and means for filling up the Continental regiments raising in this State, brought in their report, which was read; the same was read a second time, and then read by paragraphs. On reading the first paragraph, Mr. Cantine moved, and was seconded, that the words "for three years, or during the war," be inserted after the word "enlist" in the first part of the paragraph; the same was unanimously agreed to.

Mr. Tredwell then moved, and was seconded, that the words "from all militia duty of what kind soever, and" be obliterated.

Debates arose thereon, and the question being put, it was carried in the affirmative, in manner following, to wit:

For the affirmative.		*For the negative.*	
Charlotte,	2	Albany,	6
Ulster,	4	Orange divided.	
New-York,	8		
Dutchess,	5		
Westchester,	4		
	23		

Thereupon,

Ordered, That the said words be obliterated.

After much time spent therein, and several of the resolutions thereof amended and agreed to, the 3rd resolution was recommitted, and the further consideration thereof postponed till the afternoon.

THURSDAY, 4 *o'clock P. M. April* 3, 1777.

The Convention met pursuant to adjournment.

PRESENT—Brigr. Genl. Ten Broeck, *President.*

Mr. Roosevelt, Major Van Zandt, Major Stoutenburg, Mr Phil. Livingston, Mr. John Jay, Mr. Beekman, Colo. Lott, Mr. Scott, Mr. Harper, Mr. Dunscomb—*New-York.*

Major Lawrence—*Queens.*

Major Webster—*Charlotte.*

Major Tappen, Mr. Rea, Major Parks, Mr. Cantine, Col. De Witt—*Ulster.*

Colo. P. R. Livingston, Mr. Cuyler, Genl. Ten Broeck, Mr. Adgate, Mr. Robt. Yates—*Albany.*

Colo. Humphrey, Mr. Platt, Mr. Gil. Livingston, Mr. Jas Livingston, Mr. Jno. Schenk, Mr. R. R Livingston—*Dutchess.*

Colo. Allison, Col. Sherman, Mr. Jos. Smith, Mr. Clarke, Mr. Wisner—*Orange.*

Mr. Tredwell, Mr. W. Smith—*Suffolk.*

Colo. Van Cortlandt, Mr. Mills, Judge Graham, Colo. Drake—*Westchester.*

Mr. Moore, Mr. W. Harper, Mr. Newkerk—*Tryon.*

Mr. Stevens—*Cumberland.*

A letter from Colo. P. Gansevoort, dated at Albany on the 31st of March, and assigning the dispersion of his officers on the recruiting service, as the cause of his being unable to make returns of his regiment, but that he hopes to be enabled to make return soon.

Ordered, That it be put on the military file.

A certified copy of the deposition of Henry G. Livingston, taken on the 15th of February last, before the committee for detecting conspiracies at Fishkill, and transmitted to Convention by the present commissioners, was received and read.

An extract of the minutes of the late committee for detecting conspiracies, &c. containing the examination of Henry G. Livingston, was also read, and filed.

The Convention resumed the further consideration of the report of the committee on the means of filling up the Continental regiments.

The committee reported a resolution in the stead of the third resolution, which was read, amended, and agreed to.

The fourth resolution was again read, and agreed to.

The fifth resolution was then again read, amended, and agreed to.

The sixth resolution was then read; the same being again read, debates arose thereon; after much time spent therein, and the question proposed to be put thereon, Mr. Jay moved, and was seconded by Colo. Allison, for the previous question, whether the question on the paragraph shall now be put.

The question on Mr. Jay's motion being put, it was carried in the affirmative by a great majority.

The said report, as amended and agreed to, is as follows, viz:

"WHEREAS it is the duty of every State to contribute as far as leis in their power, to complete their respective regiments, as well in order to relieve the militia from frequent and burthensome drafts, as (with the favor of Heaven) to ensure success to the great and glorious cause in which we are engaged: Therefore,

"1st. *Resolved,* That any person within this State, who shall, on or before the first day of June next, procure at his own expense, an able bodied man to enlist for three years, or during the war, in either of the five Continental regiments raising under the direction of this Convention within this State, and now commanded by the Colonels Van Schaick, Van Cortlandt, Gansevoort, Dubois and Henry B. Livingston, and shall deliver such soldier to any commissioned officer of either of the said regiments, he shall, on producing a certificate of such delivery, signed by the said officer, to the commanding officer of the regiment of militia to which the person so procuring such soldier shall belong, be exempted from all drafts from the militia for the term of time for which the person so enlisted shall engage.

"2d. *Resolved,* That every soldier so enlisted and delivered, exclusive of what he shall receive from the person by whom he was engaged, shall be entitled to the same bounty and other privileges as are allowed to soldiers in the Continental army.

"3d. *Resolved,* That every certificate of the delivery of any soldier shall contain the name of the person delivered, together with the time of the delivery, and shall be signed by the officer to whom the same shall have been delivered in the presence of a justice of the peace, or a chairman of the county or district committee, by whom the usual oath shall be administered to such soldier; which justice or chairman shall countersign the said certificate, in the presence of two credible witnesses; and in case he shall suspect any fraud or collusion between such officer and the person demanding a certificate, he is hereby authorized and empowered to examine the said person and the officer, or either of them, upon oath touching the said fraud or collusion, and if they shall appear to have been guilty thereof, he may and is hereby directed to commit the criminal to prison, in order to his being tried for such fraud or collusion; and in case the said persons, or either of them, shall be found guilty thereof, he or they shall be punished by fine and imprisonment, at the discretion of the court by whom the offence shall be tried.

"4th. *Resolved,* That all such certificates as are above mentioned shall be filed with the commanding officer of

the regiment, to which the person producing the same shall belong, before he can derive any benefit thereby.

"5th. *Resolved*, That any person counterfeiting or fraudulently procuring such certificate, without having actually procured and delivered a soldier in manner aforesaid; and every officer signing such fraudulent certificate shall, on conviction, be subject to the pains and penalties heretofore by law inflicted on persons found guilty of forgery."

Resolved, That a committee be appointed to consider and report proper resolutions for putting persons now exempt from militia duties on a more equal footing with such of the inhabitants of this State as are liable to the same.

Resolved, That Mr. Jay, Mr. James Livingston and Mr. R. R. Livingston, be the committee.

A letter from the committee of Albany, of the 2nd instant, informing that they have apprehended Major Edmondston, pursuant to order of Convention, and that they have sent him down to this place; also on the subject of boards monopolized by designing men, and which are wanted by Mr. Hughes, assistant quarter-master-general, was read.

The Convention proceeded to take the said letter into consideration, and thereupon resolved.

WHEREAS it hath been represented to this Convention by the committee of the city and county of Albany, that divers evil minded and disaffected persons in the said county have monopolized and engrossed large quantities of boards; and having thereby occasioned an artificial scarcity of that article, refuse to sell the same, unless for exorbitant prices: AND WHEREAS a considerable quantity of boards are necessary for the use of the army:

Resolved, That the said committee, or their sub-committee, be and they are hereby authorized and required to take from the said monopolizers and deliver to the quarter-master-general, or his deputy, such of the said boards so engrossed as may be required for the use of the army, paying the proprietor the current market price for the same.

FRIDAY MORNING,
April 4, 1777.

The Convention met pursuant to adjournment.

PRESENT—Brigr. Genl. Ten Broeck, *President*.

Colo. Lott, Mr. P. Livingston, Colo. Stoutenburgh, Mr. Harper, Mr Dunscomb, Mr. Roosevelt—*New-York*.

Maj. Lawrence—*Queens*.

Mr. Contine, Major Tappen, Mr. Rea, Major Parks—*Ulster*.

Mr. Clarke, Colo. Allison, Mr. Joseph Smith, Mr. Wisner, Colo. Sherwood—*Orange*.

Genl. Ten Broeck, Mr. Adgate, Colo. Livingston, Mr. Cuyler—*Albany*.

Judge Graham, Colo. Drake, Mr. Mills, Col. Van Cortlandt, Major Lockwood—*Westchester*.

Mr. Moore, Mr. Harper, Mr. Newkerk—*Tryon*.

Mr. Stevens—*Cumberland*.

Mr. Smith, Mr. Tredwell, Mr. Miller—*Suffolk*.

Capt. Platt, Colo. Humphrey, Capt. Schenk, Mr. Gil. Livingston—*Dutchess*.

Major Webster, Colo. Williams—*Charlotte*.

The House being informed that many of the militia who have been called into service heretofore, remain unpaid, through neglect of a proper application of their officers. Therefore,

Resolved, That Comfort Sands, Esqr. be and is hereby appointed paymaster for the purpose of paying off the pay rolls, &c. of such of the militia of the counties of Dutchess, Ulster, Westchester and Orange, as have been heretofore called and employed in actual service of this State; that the said Comfort Sands be authorized to pay off all such of the said pay rolls, and other accounts of the said militia, as to him shall appear just and reasonable; and for this purpose, that he do immediately advertise the militia officers of the time and place that he will attend to execute this order in the said counties respectively. And

Ordered, That the Treasurer of this State advance to the said Comfort Sands a sum not exceeding £10,000 for the above purpose, and take his receipt.

The President informed the House that his presence is necessarily required at home, and therefore requests leave of absence, and that he will return as soon as possible.

Leave is given accordingly.

Peter Van Schaick, Esquire, attending, pursuant to an order of the Committee of Safety, the House came to the following determination.

WHEREAS many important affairs, highly interesting to the public, so engross the attention of this House, as not to admit of their proceeding to a consideration of the memorial of Peter Van Schaick, Esq.:

Resolved, That the said Peter Van Schaick return to his usual place of abode, on his parol, to remain there till the further order of this House, or future executive power of this State; and in the mean time neither directly or indirectly to do or say any thing to the prejudice of the American cause.

FRIDAY AFTERNOON, *April* 4, 1777.

The Convention met pursuant to adjournment.

PRESENT—Brigr. Genl. Ten Broeck, *President*.

Mr. Jay, Major Van Zandt, Colo. Stoutenburgh, Mr. Beekman, Mr. Harper, Mr. P. Livingston, Colo. Lott, Mr. Roosevelt, Genl. Scott—*New-York*.

Major Lawrence—*Queens*.

Major Parks, Mr. Cantine, Major Tappen, Col. De Witt, Mr. Rea—*Ulster*.

Genl. Ten Broeck, Mr. Cuyler, Mr. Adgate, Colo. Livingston—*Albany*.

Judge Graham, Colo. Drake, Colo. Van Cortlandt, Mr. Mills—*Westchester*.

Mr. Harper, Mr. Moore—*Tryon*.

Mr. Wisner, Mr. Jos. Smith, Mr. Clarke, Colo. Sherwood, Colo. Allison—*Orange*.

Mr. Smith, Mr. Tredwell—*Suffolk*.

Mr. R. R. Livingston, Mr. Jas. Livingston, Capt. Platt, Colo. Humphrey, Capt. Jno. Schenk, Mr. Gilbert Livingston—*Dutchess*.

Major Webster, Colo. Williams—*Charlotte*.

Mr. Stevens—*Cumberland*.

A letter from Philip Swartwout, chairman of the committee of Lienpark, dated April 3rd, enclosing a letter from Nichs. Concklin, Bazalel Tyler, Bazalel Tyler, Junr. and John Lassly, dated at Casheghton, March 28th, relative to a number of disaffected persons there, as also the evidence of Thomas Reeves relative thereto, were respectively read and filed.

Ordered, That the consideration thereof be postponed until to-morrow morning.

Mr. Jay, from the committee appointed last evening to consider and report proper resolutions for putting persons now exempt from militia duty, on a more equal footing, &c. delivered the report of the said committee, which he read in his place. The same was again read and taken into consideration.

After some time spent therein, a motion was made, and seconded, for allowing a bounty to the militia, now to be drafted, to serve under General George Clinton.

Debates arose thereon.

The question was then put whether the Convention will now give any bounty to any men of the militia for any time.

The same was carried in the negative, in manner following, viz:

For the affirmative.		*For the negative.*	
Orange,	3	Dutchess,	5
Ulster,	4	Mr. Jas. Livingston and Col. Humphrey, dissenting.	
Westchester,	4	New-York,	8
Judge Graham dissenting.		Albany,	6
		Charlotte,	2
	11		21

Ordered, That Mr. Jay, Colo. De Witt and Mr. R. R. Livingston, acquaint the field officers of Kingston of the determination of Convention, with their reasons for the same.

Ordered, That the report of the resolutions for putting persons now exempt from militia duty, on a more equal footing, &c. be recommitted.

Mr. Jay moved, and was seconded, for a resolution, in the words following, viz:

Resolved, That it shall be the duty of the President, or Vice-President for the time being, to cause the resolution heretofore made against members absenting themselves without leave of this House, to be executed, by sending expresses to them at their own expense.

Debates arose thereon, and the question being put, it was carried in the negative, in manner following, viz:

For the negative.		*For the affirmative.*	
Albany,	6	New-York,	8
Ulster,	4	Westchester,	4
Orange,	3	Charlotte,	2
Dutchess,	5		
	18		14

On motion of Mr. Wisner, seconded by Mr. Schenk,

Ordered, That every member absent without leave of this Convention, who has departed within three weeks, be sent for by express, at his own expense, agreeable to a former resolution for that purpose.

Colo. Humphrey has leave of absence to go home to discharge the pay due to his late regiment, who were out in the general Continental service in Westchester county.

SATURDAY MORNING,
April 5th, 1777.

The Convention met pursuant to adjournment.

PRESENT—Brigr. General Ten Broeck, *President*.

Mr. Philip Livingston, Mr. Jay, Mr. Dunscomb, Mr. Harper, Mr. Roosevelt, Colonel Stoutenburg, Mr. Beekman, Major Van Zandt—*New-York*.

Major Laurence—*Queens*.

Major Tappen, Mr. Rea, Colo. De Witt, Mr. Cantine, Major Parks—*Ulster*.

Genl. Ten Broeck, Mr. Cuyler, Mr. Adgate—*Albany*.

Mr. Wisner, Mr. Joseph Smith, Colo. Sherwood, Colo. Allison—*Orange*.

Mr. Harper, Mr. Moore, Mr. Newkerk—*Tryon*.

Judge Graham, Colo. Drake, Mr. Mills, Colo. Van Cortlandt—*Westchester*.

Mr. Smith, Mr. Tredwell—*Suffolk*.

Mr. R. R. Livingston, Mr. G. Livingston, Capt. Platt, Mr. Jas. Livingston, Capt. John Schenk—*Dutchess*.

Mr. Webster—*Charlotte*.

Mr. Stevens—*Cumberland*.

The proceedings of the committee of Cortlandt's manor, relative to one William Wallace, of Selem, a disaffected person, together with a mittimus of the said committee for conveying him to this place, were read.

Ordered, That the said Wallace be confined in the jail at Kingston, until further orders.

The House being informed that a brigantine (belonging to some persons now in New-York,) which hath been laid up in Esopus creek during the winter, is now hauled out, as is suspected, with design to go to the port of New-York.

Ordered, That Capt. Robert Castel be, and he is hereby directed to take into his possession the brigantine commanded by Charles Sprainger, now lying in Hudson river, and cause her with her tackle and apparel to be laid up in safety in Esopus creek until further order.

A letter from Governor Trumbull, dated April the 1st, enclosing the parols taken from Hugh Wallace and others who were sent prisoners to Connecticut, and were by him permitted to go to New-York; as also, a list of several other persons in the same predicament, were read and committed to Mr. Jay, Mr. R. R. Livingston and Mr. Gilbert Livingston.

Egbert Benson, Esquire, one of the board of commissioners for detecting conspiracies, &c. attending, informed the House of the state of their business; that said board stand in need of a further sum to defray the expenses attending the same, and suggested the propriety of raising a company of rangers to execute the orders of the said board, and to guard the prisoners. Thereupon,

Ordered, That the Treasurer of this State advance to Egbert Benson, Esquire, the sum of £1,000, for the use of the board of commissioners for detecting and defeating all conspiracies, &c. And,

Ordered, That Captain Platt confer with Mr. Benson on the subject of raising a company of rangers, and report to the House.

Mr. R. Livingston having produced to the House a letter from Mr. John Wheelock, offering to raise a number of men, in the eastern parts of this State, moved the following resolutions, and was seconded. The same being read, are in the words following:

"WHEREAS Mr. John Wheelock, of the State of New-Hampshire, has represented to this Convention the possibility of engaging a number of troops to enlist in the service of this State, and to be joined to either of the Continental battalions raising under the direction of this Convention, or to be employed in such other manner as the Convention or Legislature of this State may direct.

Resolved, That a commission be made out for Mr. John Wheelock, as a major in the service of this State; and that he be requested to nominate to this Convention the officers for three companies to be raised under his command; and that he transmit their names to this Convention.

Resolved, That the said John Wheelock be requested immediately to proceed to raise three companies of men, to serve during the war, under the direction of this State, each company to consist of the same number of men and officers as a Continental company, and to receive the like bounty, clothing, pay and rations as is given to the Continental troops.

Resolved, That the troops so to be raised be ordered to rendezvous at Fishkill, in the county of Dutchess, and be marched to that place by companies, or parts of companies, in order to their being paid and clothed.

Resolved, That every soldier who shall furnish himself with arms and a blanket, shall be allowed a reasonable sum for the same.

Resolved, That two thousand dollars be advanced to Mr. John Wheelock, in order to enable him to carry the above resolutions into execution, and that the same be transmitted to him by the hands of .

On motion the same is postponed till Monday next.

A letter from Jacobus Van Wagenen, of Rochester, dated the 4th instant, complaining of the officer of that district, was read.

Ordered, That the said letter be delivered to Mr. Cantine, and that he inform Mr. Van Wagenen that the officers are to be governed by the militia law; that if they trespass those laws, he will have redress, and the officer so offending will be cashiered or punished.

A letter from Benjamin Depuy, chairman of the committee of Mamacotting, dated the 3rd of March, 1777, relative to disaffected persons, containing a letter from Nicholas Concklin and three other persons, and the affidavits of John Moore and Thomas Reeves on that subject, were read.

Ordered, That they be committed to the members of Ulster county.

SATURDAY AFTERNOON, *April* 5, 1777.

The Convention met pursuant to adjournment.

PRESENT—Brigr. Genl. Ten Broeck, *President*.

Mr. Jay, Mr. Philip Livingston, Mr. Roosevelt, Genl. Scott, Mr. Har-

per, Mr. Duane, Capt. Rutgers, Major Van Zandt, Col. Lott, Mr. Dunscomb, Mr. Stoutenburgh—*New-York.*

Major Lawrence—*Queens.*

Mr. Morris, Col. Van Cortlandt, Colo. Drake, Mr. Mills—*Westchester.*

Genl. Ten Broeck, Mr. Adgate, Mr. Robert Yates—*Albany.*

Mr. Wisner, Mr. Jos. Smith, Col. Allison, Col. Sherwood—*Orange.*

Mr. Harper, Mr. Moore—*Tryon.*

Col. De Witt, Major Tappen, Mr. Contine, Mr. Rea, Major Parks—*Ulster.*

Mr. Stevens—*Cumberland.*

Mr. Smith, Mr. Tredwell—*Suffolk.*

Mr. R. R. Livingston, Mr. Jas. Livingston, Capt. Platt, Capt. Schenk, Col. Humphrey, Mr. Gilbert Livingston—*Dutchess.*

Major Webster—*Charlotte.*

A letter from Comfort Sands, Esq. Auditor-General of accounts, requesting the sense of Convention whether the militia called out into service are to be allowed the Continental pay, as formerly established by Congress, or the last pay allowed to the Continental troops raising for the present campaign, was read.

The same being taken into consideration and debated for some time,

Resolved, That the Auditor-General of accounts of this State be directed to adjust the accounts of pay and rations of such militia of this State as have been called into actual service since the first day of December last, agreeably to the new regulation of pay and rations, made by the Honourable the Congress of the United States.

The Convention proceeded to the consideration of the form of a constitution and government.

The 3rd and 4th paragraphs were then respectively read, and by order postponed for the present.

The 5th paragraph was then read.

Mr. Jay then moved that the following be substituted instead of the said fifth paragraph, viz:

"And whereas it hath been a prevailing opinion among the good people of this State, that the mode of election by ballot would tend more to preserve the liberty and equal freedom of the people than the manner of voting *viva voce*, and it is expedient that a fair experiment be made as to which of those methods of voting is to be preferred:

"*Be it Ordained*, That as soon as may be after the expiration of the present war between the United States of America and Great Britain, an act or acts be passed by the Legislature of this State for causing all elections thereafter to be held in this State, for Senators and Representatives in Assembly, to be by ballot, and directing the manner in which the same shall be conducted. And,

"*Be it further Ordained*, That, whenever thereafter the mode of voting by ballot shall, on experience, appear to be attended with more mischiefs, and less conducive to the safety or interest of this State, than the method of voting *viva voce*, it shall be lawful and constitutional for the Legislature of this State to abolish the same; provided two-thirds of the members present in both Houses shall concur therein: and further, that in the mean time all elections for Senators and Representatives in Assembly be made *viva voce*, according to the laws of the Colony of New-York for regulating elections, so far as the same may be consistent with this Constitution, or according to such laws as, by the Legislature of this State, may for that purpose be enacted.

Debates arose thereon.

Mr. Morris then moved, and was seconded by Mr. Dunscomb, that the word "Senators" through the whole proposed amendment, be obliterated.

Debates arose thereon, and the question being put thereon, it was carried in the negative, in manner following:

For the negative.

Ulster,	4	Westchester,	4
Dutchess,	5	Tryon,	3
Albany,	6		
New-York,	8		33
Orange,	3		

The first paragraph of Mr. Jay's proposed amendment was then read, and the question being put thereon, it was carried in the affimative, in manner following, viz:

For the affirmative.

Westchester,	4	Mr. Morris dissenting.
Albany,	6	
New-York,	8	Capt. Rutgers and Mr. Dunscomb dissenting.
Dutchess,	5	
Orange,	3	Colo. Sherwood dissenting.
Ulster,	4	
Tryon,	3—33	

The next paragraph being read, Mr. Gilbert Livingston moved, and was seconded, that the proviso thereto be obliterated; and the question being put thereon, was carried in the negative, as follows, viz:

For the negative.

New-York,	8	Mr. Rutgers dissenting.
Albany,	6	
Dutchess,	5	
Westchester,	4	Mr. Morris dissenting.
Ulster,	4	
Orange,	3	Col. Sherwood dissenting.
Tryon,	3	
	33	

The second paragraph being then again read, and the question being put thereon, it was carried in the affirmative, in manner following, viz:

Affirmative.

Albany,	6	Orange,	3
Ulster,	4	Tryon,	3
Dutchess,	5		33
New-York,	8		
Westchester,	4		

The last paragraph of Mr. Jay's amendment was then read and agreed to without dissent. And,

Ordered, That Mr. Jay take the draft of his proposed amendment, and correct the same in point of style and expression.

DIE SOLIS, 10 ho. a. m.

April 6, 1777.

The Committee met pursuant to adjournment.

Present—Brigr. Genl. Ten Broeck, *President.*

Col. Lott, Mr. Jay, Mr. Roosevelt, Mr. Beekman, Mr. Dunscomb, Mr. Robert Harper, Mr. Phil. Livingston, Mr. Duane, Major Stontenburgh. Genl. Scott, Capt. Rutgers—*New-York*

Mr. Lawrence—*Queens.*

Major Tappen, Col. De Witt, Mr. Rea—*Ulster*

Genl. Ten Broeck, Mr. Gansevoort, Mr. Adgate, Mr. Robt. Yates—*Albany.*

Mr. Gil. Livingston, Mr. John Schenk, Mr. Platt, Mr. R. R. Livingston—*Dutchess.*

Mr. W. Harper—*Tryon*

Mr Clarke, Mr. Wisner, Col. Allison, Col. Sherwood, Mr. Jos. H. Smith—*Orange.*

Mr W. Smith, Mr. Tredwell—*Suffolk.*

Col. Van Cortlandt, Mr. Morris, Judge Graham, Col. Drake, Mr. Mills—*Westchester*

Major Webster—*Charlotte.*

Mr. Stevens—*Cumberland.*

According to the order of yesterday evening, Mr. Jay produced a new paragraph containing the substance of and to be substituted in the stead of the amendment to the 5th paragraph. The same being read, and the question put whether it be the same in substance, it was agreed unanimously that it is the same in substance, with the amendment agreed to last night.

The said fifth paragraph being then read, and the said proposed amendment brought in this morning being also read, and the question being put, whether the said amendment be substituted in the place of the said 5th paragraph, it was carried in the affirmative, Mr. Morris from West chester dissenting.

The question being then put upon the 5th paragraph as amended, was carried in the affirmative, (Mr. Morris dissenting to Westchester,) and is in the words following, to wit:

"And whereas an opinion hath long prevailed among divers of the good people of this State, that voting at elections by ballot, would tend more to preseve the liberty and equal freedom of the people than voting *viva voce:* To the end therefore that a fair experiment be made, which of those two methods of voting is to be preferred,

"*Be it Ordained,* That as soon as may be after the termination of the present war between the United States of America and Great Britain, an act or acts be passed by the Legislature of this State for causing all elections thereafter to be held in this State for Senators and Representatives in Assembly, to be by ballot, and directing the manner in which the same shall be conducted.

"And whereas it is possible that after all the care of the Legislature in framing the said act or acts, certain inconveniences and mischiefs unforeseen at this day, may be found to attend the same.

It is further ordained, That if after a full and fair experiment shall be made of voting by ballot aforesaid, the same shall be found less conducive to the safety or interest of the State, than the method of voting *viva voce*; it shall be lawful and constitutional for the Legislature to abolish the same, provided two-thirds of the members present in each House respectively, shall concur therein; and further, that during the continuance of the present war aforesaid, and until the Legislature of this State shall provide for the election of Senators and Representatives in Assembly by ballot, the said elections shall be made *viva voce.*"

The sixth paragraph was then read; the minutes of Convention on the former reading of this paragraph, on the 14th and 20th days of March last, were also read.

The said 6th paragraph being again read, Mr. Jay moved and was seconded, that the following proviso be added to that paragraph, viz:

"Provided that nothing in this clause contained shall be construed to disqualify from voting for Representatives in Assembly, any of the present freemen of the city of Albany, or any of the freemen of the city of New-York, who were made freemen of the said city on or before the 14th day of October, in the year of our Lord 1775, which said freemen of the said cities shall be actually and usually resident in the said cities respectively."

The said provision being again read, was agreed to.

The said sixth paragraph was then again read, Mr. Morris then moved and was seconded, that immediately after the word "freeholder," the following words be inserted, viz: "possessing a freehold of the value of twenty pounds."

Debates arose thereon and the question being put thereon, it was carried in the affirmative, in manner following, to wit:

For the affirmative.		*For the negative.*	
Westchester,	4	Ulster,	4
Dutchess,	5	New-York,	8
Albany,	6		
Orange,	3—18		12

Ordered, therefore, That the said amendment, viz: "possessing a freehold of the value of twenty pounds," be inserted.

Mr. Tredwell moved and was seconded, that after the words "rented a tenement therein" the words "after the yearly value of 40s." be inserted; the same was agreed to and inserted accordingly.

Mr. Philip Livingston moved and was seconded, that the words "one year" in the three several places where they are mentioned in that paragraph be obliterated, and the words "six moths" inserted in their stead.

Debates arose thereon, and the question being put thereon, it was carried in the affirmative in manner following, to wit:

For the affirmative.		*For the negative.*	
Ulster,	4	New-York,	8
Dutchess,	5	Mr. Scott and Mr. Jay dissenting.	
Albany,	6	Westchester,	4
Tryon,	3	Orange,	3
	18		—15

Orderrd, therefore, That the said amendment be made accordingly.

Some other amendments being proposed and unanimously agreed to.

Ordered, That a copy of the said sixth paragraph as now amended, be given to Mr. Morris to revise, and return to this Convention at three o'clock P. M.

Adjourned till 3 o'clock P. M.

SUNDAY AFTERNOON,

April 6, 1777.

The Convention met pursuant to adjournment.

Present—Brigr. Genl. Ten Broeck, *Prest.*

Mr. Duane, Mr. Jay, Genl. Scott, Major Van Zandt, Mr. P. Livingston, Col. Stoutenburgh, Mr. Roosevelt, Mr. Harper, Mr. Dunscomb, Mr. Beekman, Col. Lott, Capt. Rutgers—*New-York.*

Genl. Ten Broeck, Mr. Adgate, Mr. Gansevoort, Mr. R. Yates—*Albany.*

Mr. Wisner, Mr. Clarke, Colo. Allison, Colo. Sherwood, Mr. Smith—*Orange.*

Mr. Moore, Mr. Harper, Mr. Newkerk—*Tryon.*

Mr. Tredwell, Mr. Smith—*Suffolk.*

Mr. R. R. Livingston, Mr. Gilbert Livingston, Capt. Schenk, Capt. Platt—*Dutchess.*

Mr. Webster—*Charlotte.*

Mr. Stevens—*Cumberland.*

Col. De Witt, Major Tappen, Mr. Rea, Major Parks—*Ulster.*

Col. Drake, Col. Van Cortlandt, Capt. Platt, Major Lockwood Judge Graham, Mr. Mills, Mr. Morris—*Westchester.*

A petition from the committee of Westchester county, dated the 3rd instant, setting forth the defenceless state of that county, and of the ravages committed by the enemy therein, was brought by Capt. Elijah Hunter, and read, and the consideration thereof postponed until to-morrow.

The House then proceeded to the consideration of the form of government.

Mr. Morris, according to order, reported a revisal of the sixth paragraph as amended this morning. The said sixth paragraph as amended this morning, and the revisal reported by Mr. Morris, were read; and the said revisal being again read, and the question being put whether the House agrees to substitute the said revisal, in the stead of the said 6th paragraph, as amended this morning, was carried in the affirmative, and is as follows, to wit:

"That every male inhabitant of full age, who shall have personally resided within one of the counties of this State, for six months immediately preceding the day of election, shall at such election be entitled to vote for Representatives of the said county in General Assembly, if during the time aforesaid he shall have been a freeholder, possessing a freehold of the value of twenty pounds within the said county, or have rented a tenement therein of the yearly value of forty shillings, and been rated and actually paid taxes to this State; provided always that every person who now is a freeman of the city of Albany, or who was made a freeman of the city of New-York, on or before the fourteenth day of October, in the year of our Lord one thousand seven hundred and seventy-five, and is actually and usually a resident in the said cities respectively, shall be entitled to vote for Representatives in Assembly, within their said places of residence."

The 7th paragraph was then read. The same being read a second time, debates arose thereon. After some time spent therein, the 7th paragraph was agreed to.

The 8th paragraph which was agreed to on the 20th March, was read.

The 9th paragraph was then read.

The 10th paragraph was then read.

The 11th paragraph was then read. The same being read a second time, a motion was made and seconded, that the words "thirteen members" be obliterated, and the words "a majority of the number of Senators to be chosen as aforesaid" there inserted.

The question being put on the said amendment, was agreed to, and ordered to be inserted.

Mr. Duane moved, and was seconded, that this 11th paragraph be committed to a committee to consist of a member from each county.

The question being put thereon, it was carried in the negative.

On motion of Mr. Jay, who was seconded,

Resolved, That this Convention will now resolve itself into a committee of the whole House on the said 11th paragraph, and General Scott was unanimously chosen Chairman, and took the Chair accordingly.

The first sentence or clause of that paragraph was read.

Mr. Robert Yates suggested that the State be divided into five districts: Nassau and Staten islands to compose the southern district; New-York and Westchester to form another district, and the other districts as mentioned in the 11th paragraph. That the southern district have four Senators; New-York and Westchester six; the two next districts each six; and the northeastern district two members. He therefore moved, and was seconded by Mr. W. Harper, that between the word "into" and the word "great," the word "four" be obliterated, and the word "five" there inserted.

Debates arose thereon, and the question being put thereon, it was carried in the negative by all but three members.

The first sentence of the 11th paragraph as to division of the State into districts, was then read, and agreed to.

The second sentence ascertaining the number of Senators for each district, was then read and agreed to.

Mr. R. R. Livingston then moved for the following amendment, that after the word "three" the following paragraph be inserted, viz:

"And,

"*Be it Ordained*, That a census shall be taken as soon as may be after the termination of the present war, under the direction of the Legislature; and if on such census it should appear that the number of Senators is not justly proportioned to the several districts, that the Legislature adjust the proportion as near as may be to the number of freeholders qualified as aforesaid in each district."

Mr. Philip Livingston then moved, and was seconded, for the following amendment; that immediately following the word "after" the following words be inserted, viz: "at the expiration of seven years from."

Mr. Treadwell moved for the following amendment thereto, to wit: that the words "at the expiration of" be struck out, and the word "within" be inserted in the place thereof. Debates arose, and the question being put on the said last mentioned amendment, it was carried in the negative, in manner following, to wit:

For the negative.		*For the affirmative.*	
Westchester,	4	Orange,	3
New-York,	8	Albany,	6
Dutchess,	5	Charlotte,	2
Ulster,	4	Tryon,	3
	21		14

Therefore Mr. Tredwell's proposed amendment was rejected.

The question being then put on the amendment proposed by Philip Livingston, Esq. was carried in the affirmative in manner following, to wit:

For the affirmative.		*For the negative.*	
Albany,	6	Charlotte,	2
Westchester,	4	New-York,	8
Dutchess,	5	Mr. Jay dissenting.	
Ulster,	4		10
Orange,	3		
Tryon,	3		
	25		

Thereupon,

Ordered, That the words "at the expiration of seven years from" be inserted.

The said paragraph, as amended, was then read and agreed to.

The next sentence of the 11th paragraph was then read.

Mr. Morris then moved, and was seconded by Mr. R. Yates, that the words "one thousand, which is estimated to be," and the word "such" and the word "now" be obliterated, and that the words "which by the said census shall be found to be," shall be inserted instead of the word "now."

The same was unanimously agreed to, and the sentence being amended accordingly and read, was agreed to.

The last sentence of the paragraph was then read and agreed to.

The said whole 11th paragraph, as amended by the several amendments, was then read and agreed to.

Mr. Scott, from the committee of the whole House, reported the whole proceedings of the committee, with the resolutions of the committee as agreed to, which he read in his place, and delivered in at the table, where the same was again read.

The resolutions of the committee of the whole House, as amended and reported, being then read by sentences, the first and second sentences were severally read and agreed to.

The third sentence of the amended report being read, debates arose thereon, and the question being put thereon, it was carried in the affirmative in manner following, viz:

For the affirmative.		*For the negative.*	
Albany,	6	New-York,	8
Westchester,	4	Mr. Jay dissenting.	
Dutchess,	5	Charlotte divided.	
Ulster,	4		
Orange,	3		
Tryon,	3—25		

Thereupon the said third sentence was agreed to.

The fourth sentence was then read and agreed to.

The fifth sentence was then read and agreed to.

The said whole 11th paragraph was then read for approbation and agreed to.

MONDAY MORNING,

April 7, 1777.

The Convention met pursuant to adjournment.

PRESENT—Brigadier General Ten Broeck, *President*.

Mr. Jay, Mr. Harper, Mr. Beekman, Mr. Roosevelt, Maj. Van Zandt, Col. Lott, Mr. P. Livingston, Mr. Duane, Maj. Stoutenburgh, Capt. Rutgers, Mr. Dunscomb—*New-York*.

Mr. Stevens—*Cumberland*.

Major. Tappen, Mr. Rea, Mr. Contine, Colo. De Witt—*Ulster*.

Genl. Ten Broeck, Mr. Gansevoort, Mr. Adgate—*Albany*.

Mr. Clarke, Colo. Allison, Colo. Sherwood, Mr. Wisner, Mr. Jos. Smith—*Orange*.

Mr. Harper, Mr. Newkerk—*Tryon*.

Judge Graham, Mr. Morris, Major Lockwood, Colo. Drake, Mr. Mills, Capt. Platt, Col. Van Cortlandt—*Westchester*.

Mr. Smith, Mr. Tredwell, Mr. Miller—*Suffolk*.

Mr. Landon, Mr. R. R. Livingston, Capt. Platt, Capt. Jno. Schenk, Mr. G. Livingston—*Dutchess*.

Maj. Webster—*Charlotte*.

The committee appointed on the 29th March last to prepare and report a draft of instructions to the Delegates of this State in Congress, brought in their report, which was read. The same was read a second time; and then the first paragraph was read by sentences. On reading the last part of the first paragraph, a motion was made by Mr. Tredwell, and seconded by General Scott, to obliterate the words "and forthwith return to this State."

Debates arose thereon, and the question being put, it was carried in the negative in manner following, viz:

For the affirmative.		*For the negative.*	
Suffolk,	4	Dutchess,	5
Orange,	3	Albany,	6
Ulster,	4	Genl. Ten Broeck dissenting.	
	11	Westchester,	4
		New-York,	8
		Mr. Van Zandt, Genl. Scott, Mr. Robt. Harper, Mr. Beekman dissenting.	23

General Scott then moved, and was seconded, that the following words be added to that paragraph, viz:

"And report to this Convention or the Legislature of this State for the time being, all the proceedings of Congress on this subject."

The question being put thereon, it was carried in the affirmative.

Therefore, by order, those words were added.

The 2nd, 3rd and 4th paragraphs were then respectively read and agreed to.

The whole of the said instructions being read and agreed to, are in the words following, to wit:

"1. Although this Convention cannot presume that the Honourable the General Congress will countenance the revolt of divers evil minded persons in the northeastern part of this State, yet should any attempts to admit to seats in Congress any persons pretending to be their Delegates, be made, you are to oppose the same; and if they should be received, you are, in the name of this State, to protest against it, and forthwith return to this State and report to this Convention or the Legislature for the time being, all the proceedings of Congress on this subject.

"2. As the appointment of Colonel Warner to the command of a regiment of this State was made without the intervention of this Convention, and expressly against the late resolutions of Congress respecting the appointment of field officers to the Continental troops directed to be raised in this State, you are to inquire into and inform this Convention or future Legislature of this State, of the principles on which that extraordinary measure was founded, and in the name of this State to remonstrate against it.

"3. You are from time to time to oppose, and communicate to this Convention or the future Legislature of this State, all such resolutions of Congress, as may impliedly or expressly infringe the rights or jurisdiction of this State.

"4. You are not to consent to any plan of confederation until such time as you shall have transmitted the same to this Convention or the future Legislature of this State, and have received their instructions relating to the subject, and approbation of the same."

Ordered, That a copy thereof be engrossed, and delivered to the Delegates.

A petition of Catharine Clopper was read. She therein states, that a young negro slave and a negro girl therein named, and sundry articles of furniture therein named, are her own and not her father's property; that the same are about to be sold by order of persons appointed by this Convention, and therefore praying an order of this Convention to preserve her property.

Ordered, That Judge Graham and Mr. Morris be a committee to inquire into and ascertain the property of the said slaves and furniture, and report thereon; and that in the mean time the sale of the said property be delayed.

Ordered, That the said committee reserve for the use of Mrs. Clopper and Miss Catharine Clopper, as much of the wine of Corns. Clopper, as they may think reasonable.

Whereas it hath been represented to this Convention, that the inhabitants of the county of Westchester have been reduced to great distress, as well by the ravages and incursions of the enemy, as by the insurrections of divers disaffected and evil minded persons in that county: and further, that by means of the defenceless state of that county, the enemy have been enabled to obtain great supplies of various kinds from the said county, and the western parts of Connecticut:

Resolved, That Brigadier-General McDougall and George Clinton, be requested forthwith to provide for the security and protection of the county of Westchester; and that if the militia already drawn into service by Genl. G. Clinton, together with the troops under the command of General McDougall, should be insufficient for that purpose, that this Convention on notice thereof, will make further provision for the same.

Resolved, That this Convention will agree to pay and support three companies of men, to be commanded by Mr. Wheelock, as a major, and by other subordinate officers, to be raised near Connecticut river.

Ordered, That Mr. Robert R. Livingston, Mr. Morris and Mr. Jay, be a committee to prepare and report proper resolutions for that purpose.

Monday Afternoon, *April* 7, 1777.

The Convention met pursuant to adjournment.

Present—Brigr. Genl. Ten Broeck, *President*.

Mr. Duane, Major Van Zandt, Capt. Rutgers, Col. Stoutenburgh, Mr. Beekman, Mr. Harper, Mr. Roosevelt, Genl. Scott—*New-York*.

Mr. Moore, Mr. Harper, Mr. Newkirk—*Tryon*.

Genl. Ten Broeck, Mr. Robert Yates, Mr. Gansevoort—*Albany*.

Mr. G. Livingston, Capt. Jno. Schenk, Mr. Jas. Livingston, Capt. Platt, Mr. Landon—*Dutchess*.

Mr. Tappen, Col. De Witt, Major Parks, Mr. Rea—*Ulster*.

Mr. Smith, Mr. Tredwell, Mr. Miller—*Suffolk*.

Mr. Morris, Colo. Drake, Mr. Mills, Mr. Lockwood, Capt. Platt, Judge Graham—*Westchester*.

Mr. Wisner, Mr. Smith, Col. Sherwood, Mr. Clarke, Col. Allison—*Orange*.

The 12th paragraph of the form of government was read. The same being read a second time, Mr. Gilbert Livingston moved, and was seconded by Mr. Jay, that from the word "declares," to the end of the paragraph, be obliterated, and the following inserted in its stead, viz:

"That no member of this State shall be disfranchised or deprived of any of the rights or privileges secured to the subjects of this State by this Constitution, unless by the law of the land and the judgment of his peers."

The same being read a second time, was agreed to.

The said 12th paragraph as amended, being then read, was also agreed to.

The 13th paragraph was then read, and being read a second time, and the question put thereon, was agreed to.

The 14th paragraph was then read, and the same being again read, Mr. Jay moved, and was seconded, that the words "in such cases as aforesaid," be obliterated, and the words, "such parts as they shall as aforesaid respectively determine not to make public, be" therein inserted. The said amendment being read, was agreed to.

General Scott then moved that the word "weekly," be obliterated, and the words, "from day to day, if the business of the Legislature will permit," there inserted.

The said 14th paragraph was then read as amended, and the same being again read, was agreed to.

The 15th paragraph was then read. The same being read a second time, Mr. Tredwell moved, and was seconded, that the words "have it in their power" be obliterated. The same was agreed to.

General Scott then moved, and was seconded, that the said 15th paragraph be obliterated, and the following substituted in its stead, viz:

"And this Convention doth further, in the name and by the authority of the good people of this State, ordain, determine and declare, that in all augmentations of the numbers of members of the respective branches of the Legislature of this State, the Legislature of this State shall from time to time govern themselves by the proportion hereby established for the first set in each of the two branches of the Legislature hereby established; provided always, that the relative number in each branch of the Legislature shall not be diminished below the standard hereby established."

Debates arose, and the question being put thereon, was carried in the negative.

Mr. Jay then moved, and was seconded, that from the word "purpose" to the end of the said 15th paragraph be obliterated, and that the words "apportion and distribute the said one hundred Senators and three hundred Representa-

tives among the great districts and counties of this State, in proportion to the number of their respective electors, so that the representation of the good people of this State, both in the Senate and General Assembly, shall forever remain proportionate and adequate."

The said amendment being again read, and the question put thereon, was carried in the affirmative.

The said 15th paragraph being again read as amended, and the question put thereon, was carried in the affirmative.

The 16th paragraph was read. General Scott then moved, and was seconded, that before the word "executive," the word "supreme" be inserted. The same was agreed to and inserted.

Mr. Adgate then moved, and was seconded by Mr. Gansevoort, that the word "four" be obliterated, and the word "three" there inserted. The same was agreed to, and inserted accordingly.

The said 16th paragraph was then again read. After some time spent therein, the further consideration thereof was postponed till to-morrow.

TUESDAY MORNING,

April 8, 1777.

The Convention met pursuant to adjournment.

PRESENT—Brigr. General Ten Broeck, *President.*

Mr. Jay, Genl. Scott, Mr. Duane, Mr. Harper, Col. Lott, Mr. Roosevelt, Capt. Rutgers, Colo. Stoutenburgh, Mr. Dunscomb, Mr. Beekman—*New-York.*

Genl. Ten Broeck, Mr. Gansevoort, Mr. Adgate, Mr. Robert Yates—*Albany.*

Mr. Wisner, Colo. Sherwood, Mr. Clarke, Mr. Jos. Smith, Colo. Allison—*Orange.*

Mr. Webster, Colo. Williams—*Charlotte.*

Mr. Harper, Mr. Moore, Mr. Newkerk—*Tryon.*

Mr. Smith, Mr. Tredwell, Mr. Miller—*Suffolk.*

Mr. R. R. Livingston, Capt. Schenk, Mr. James Livingston, Mr. Gilbert Livingston, Capt. Platt, Mr. Landon—*Dutchess.*

Mr. Stevens—*Cumberland.*

Major Tappen, Mr. Rea, Major Parks, Mr. Contine, Col. De Witt—*Ulster.*

Mr. Mills, Colo. Drake, Major Lockwood, Mr. Morris, Judge Graham—*Westchester.*

Colonel Sherwood has leave of absence for ten days, to remove his family.

Colonel Lott has leave of absence for four or five days.

Mr. Roosevelt has leave of absence till next Monday week, to go to Fishkill to attend to the paper currency of this State, printing at that place.

A letter from Comfort Sands, Esquire, dated this day, requesting the directions of Convention to the following queries:

"1st. Are the supernumerary officers that were in the militia service, to be paid, or am I to be directed by a late resolution of Congress?

"2nd. Are the militia to be allowed one penny lawful per mile, in lieu of rations, while on their march?

"3rd. Are the officers to be paid their back rations, or must they settle with the Commissary-General?

"4th. By a late resolution of Convention I am directed not to pass any pay rolls unless sworn to by the commanding officer, before the President or Vice-President of Convention, or before the chairmen of the county committees."

The same being taken into consideration,

Resolved, That Comfort Sands, Esq. be directed to pay all officers of militia who were called into service previous to the passing of the resolution of Congress of the 21st of March last.

That he allow the said militia one penny lawful money per mile, while on their march, in lieu of rations.

That he pay the officers of the said militia their back rations. And

Resolved, That the said Comfort Sands, Esquire, be empowered to administer oaths to officers of the militia in those cases in which, by the resolution of Convention, the same are directed to be administered by the President or Vice-President of Convention, or by the chairmen of the county or district committees.

Mr. Robert Harper, a member of the late clothing committee, informed the House that Wm. Hoskins, Esquire, hath, by agreement with the said committee, purchased on account of the State, a quantity of clothing; that the said clothing is now at Hartford, and that Mr. Hoskins, requests the direction of Convention as to the further disposition of the same.

Ordered, That Mr. Harper be directed to write to Mr. Hoskins, ordering him to cause the said clothing to be conveyed to Sharon, in the State of Connecticut, together with the invoice thereof, and that the same be delivered to the care of John Camfield, Esquire, there, who is requested to keep the charge and custody of the said clothing until the further order of this Convention, or future Legislature of this State, and that Mr. Hoskins transmit to this Convention an invoice thereof, and his account.

The committee appointed on the 7th inst. to prepare and report to this House proper resolutions relative to the raising of three companies of men, to be commanded by Mr. Wheelock, as a major, reported the following resolutions, which being amended, were agreed to, viz:

"WHEREAS it hath been suggested to this Convention by John Wheelock, Esquire, that three companies of men may be raised in the northeastern parts of the State, to continue in the service of this State for three years, or during the war: AND WHEREAS a number of men may from time to time, in the course of the ensuing campaign, be required of this State to reinforce the Continental troops which may be stationed in a southern department, or for the defence of such of the inhabitants of this State as are more immediately exposed to the depredations of the enemy: AND WHEREAS it is the interest of this State to avoid as much as possible the calling the inhabitants from their respective occupations into service: Therefore,

"1st. *Resolved,* That three companies be raised in the northeastern parts of this State, and that each company consist of the like number of officers and men as is directed by the Continental regulations, and that they continue in service for three years, unless sooner discharged by the Legislature of this State.

2d. *Resolved,* That the officers of each company shall be nominated to this Convention by the said John Wheelock, and shall be entitled to Continental pay and rations from the time of such nomination; provided that the company to which such officers belong shall, at the end of eight weeks from the time of such nomination contain at least fifty men, inclusive of non-commissioned officers.

"3rd. *Resolved,* That John Wheelock, Esquire, be commissioned as a major in the service of this State, and that he be entitled to Continental pay and rations from the date of his commission; provided that at the end of nine weeks from the date thereof, the three companies first mentioned, who are hereby put under his command, contain together at least one hundred and fifty men, non-commissioned officers included.

"4th. *Resolved,* That every soldier so enlisting in the service of this State, in either of the above companies for three years, shall, on his passing muster, be entitled to Continental bounty, clothing, pay and rations, and that every of them who shall find his own arms, accoutrements and blankets, shall be entitled to a reasonable allowance therefor, to be ascertained by proper persons for that purpose to be appointed.

"5th. *Resolved,* That the officers and privates of the above corps shall, at the expiration of their term, and when discharged by direction of the Legislature of this State, be entitled to land within this State in the same proportion as is directed by the Continental regulations to be given to such of the Continental troops as serve during the war; and that the same shall be assigned to them, or in case any

of them shall die in the said service, to their respective legal representatives, free of all quit rent and charges, out of the unlocated lands of this State, in such part thereof as a future Legislature of this State may direct: provided always, that no conveyance of any right to the said land shall be of avail previous to the grant thereof.

"6th. *Resolved,* That two thousand dollars be advanced to the said Jno. Wheelock, towards defraying the expense of raising the said men, and that the same be transmitted to him by the hands of Eleazar Wheelock, Junr. he giving his receipt therefor to the Treasurer of this State.

"7th. *Resolved,* That the said John Wheelock, Esq. transmit to this Convention or the Commander-in-Chief of this State, from time to time, returns of the number of men that shall be raised under the command of the said John Wheelock, in consequence of the above resolutions, together with regular muster rolls, sworn to by the captain of each company, and certified by the said John Wheelock, Esquire.

"*Resolved,* That the said companies, or parts thereof, as they shall be raised, be forthwith marched to Fishkill, in Dutchess county, or such other place or places, as the said Convention or Commander-in-Chief may direct.

"*Resolved,* That when the said companies shall be completed, a surgeon be allowed them.

"*Resolved,* That the officers and privates of each of the said companies be subject to similar regulations and articles with those provided for the government of the American army.

Ordered, That the Treasurer of this State pay to Eleazar Wheelock, Junr. the said two thousand dollars, mentioned in the fifth preceding resolution, taking a receipt for the same, to be delivered to the said John Wheelock, Esq.

TUESDAY AFTERNOON, *April* 8, 1777.

The Convention met pursuant to adjournment.

PRESENT—Brigr. General Ten Broeck, *President.*

Mr. Jay, Genl. Scott, Colo. Stoutenburgh, Col. Lott, Mr. Beekman, Capt. Rutgers, Mr. Duane, Mr. Dunscomb, Mr. Harper, Mr. Roosevelt, Mr. Philip Livingston, Mr. Van Zandt—*New-York.*

Maj. Parks, Maj. Tappen, Mr. Ray, Colo. De Witt—*Ulster.*

Genl. Ten Broeck, Mr. Gansevoort, Mr. Robert Yates, Mr. P. R. Livingston, Mr. Adgate—*Albany.*

Mr. Landon, Capt. Platt, Mr. G. Livingston, Mr. R. R. Livingston—*Dutchess.*

Mr. Clarke, Mr. Wisner, Mr. Smith—*Orange.*

Mr. Stevens—*Cumberland.*

Mr. Smith, Mr. Tredwell, Mr. Miller—*Suffolk.*

Judge Graham, Mr. Mills, Major Lockwood, Colo. Drake, Mr. Morris—*Westchester.*

Mr. Moore, Mr. Harper—*Tryon.*

Col. Williams, Major Webster—*Charlotte.*

The House resumed the consideration of the plan or form of government.

The said 16th paragraph was read, and the same being again read, and the question put thereon, was agreed to.

The 17th paragraph was then read, and the same being again read, Mr. Tredwell moved, and was seconded, that the words "to prorogue them from time to time, provided such prorogations shall not exceed sixty days in the space of any one year," be obliterated.

Debates arose, and the question being put thereon, was carried in the negative.

Sundry other amendments to the said 17th paragraph, being moved, agreed to and made, the said paragraph was read, the question put thereon, and the paragraph agreed to.

The 18th paragraph was then read, the same was again read by sentences, amended without debate, by the addition of the words "to the best of his ability." The same was then again read, the question put thereon, and agreed to.

The 19th paragraph was read, and being read a second time, and some amendments therein moved, agreed to and inserted, the said 19th paragraph was again read and agreed to.

The 20th paragraph was then read; the same being again several times read, and sundry amendments moved, agreed to and inserted, the said paragraph was again read, and the question put thereon, and the paragraph agreed to.

The 21st paragraph was then read, and the same being again read, and the question put thereon, was agreed to.

WEDNESDAY MORNING,
April 9, 1777.

The Convention met pursuant to adjournment.

PRESENT—Mr. Jay, Mr. Dunscomb, Col. Stoutenburg, Mr. Harper, Major Van Zandt—*New-York.*

Major Lawrence—*Queens.*

Mr. Moore, Mr. Harper—*Tryon.*

Mr. Webster—*Charlotte.*

Mr. Gansevoort, Mr. Robt. Yates, Colo. Livingston—*Albany.*

Mr. R. R. Livingston, Mr. G. Livingston, Capt. Platt, Mr. Landon, Capt. Schenk—*Dutchess.*

Major Tappen, Major Parks, Mr. Rea, Mr. Contine, Col. De Witt—*Ulster.*

Mr. Smith, Mr. Miller, Mr. Tredwell—*Suffolk.*

Colo. Drake, Mr. Mills, Major Lockwood, Judge Graham, Mr. Morris—*Westchester.*

Mr. Wisner, Colo. Allison, Mr. Clarke, Mr. Jos. Smith—*Orange.*

Mr. Stevens—*Cumberland.*

The President and Vice-President being both absent with leave, William Smith, Esquire, was unanimously chosen President *pro tem.*

The commission to Major Wheelock was read, approved and issued, and is in the words following, viz:

"In Convention of the Representatives of the State of New-York, the ninth day of April, 1777.

"To JOHN WHEELOCK, Esq. *Greeting:*

"This Convention having, by their resolutions yesterday, determined to raise three companies of men within the northeastern parts of this State, and reposing especial trust and confidence in your patriotism, valour, conduct and fidelity, do by these presents constitute and appoint you to be the major of the said companies, according to the tenor and effect of the said resolutions. You are therefore carefully and diligently to discharge the duty of a major by performing all things which belong thereunto; and all officers and soldiers under your command are strictly enjoined and required to be obedient to your orders as a major. And you are to observe and follow all such orders and directions as you may, from time to time, receive from this Convention, or other Commander-in-Chief of the State of New-York, or from such officers as you may by them be subjected to. This commission to continue in force for the space of three years, unless sooner revoked by the Convention, or other the Commander-in-Chief of the State aforesaid.

"By order,
"WM. SMITH, *Prest. p. tem.*

"Attest,
"JOHN MCKESSON, *Secy.*"

Ordered, That the letter from Mr. John Harper, dated at Cherry-Valley, March 10, together with the letter from the Indian Chiefs, and the account of the expenditures of the said John Harper in the premises, which were on the 24th of March last referred, and no report made thereon, be referred to Colo. Livingston, Mr. Tredwell and Mr. Moore.

The Convention were informed that Jacob Le Roy, Esquire, is set out to go to General Washington, to obtain leave to go to the city of New-York, and that it has been omitted to take his parol; Therefore,

Resolved, That Mr. Jacob Le Roy previous to his going

to New-York, do give his parol to return and appear before the Convention, or Committee of Safety of this State, within six weeks from the time of his arrival within the enemy's lines, unless he shall, within the term aforesaid, sail for Europe; and that he will not directly or indirectly, by word or deed, say or do any thing to the prejudice of the American cause.

Ordered, That a copy of this resolution be transmitted to His Excellency General Washington, and that a copy be transmitted to Colonel Hamilton at Head-Quarters, and that he be requested, in case the General may think proper to permit Mr. Le Roy to go to New-York, to take the said parol of Mr. Le Roy in behalf of this Convention.

A draft of a letter to Colonel Hamilton was read and agreed to, in the words following, to wit:

"The Convention having granted a permission to Mr. Le Roy to repair to Head-Quarters, in order to solicit leave to go to New-York, and having omitted to take his parol, they beg the favour of you to carry the enclosed resolution into execution.

"I am, sir, &c."

Ordered, That the President *pro tempore* subscribe a copy thereof, and that it be transmitted with a certified copy of the preceding resolution.

The committee to whom was referred the report of the committee on the petition of Catharine Clopper, reported as follows:

"1. That according to the trust reposed in them by this Honourable House, they have upon inquiry released from the custody of the commissioners of the county of Ulster the wine by them seized, belonging to Cornelius Clopper.

"2. That upon due inquiry for that purpose made, the several matters and things in the said petition mentioned, appear to your committee to be justly and truly the property of the said Catharine Clopper; at the same time your committee think it their duty to report that no full and direct evidence hath been by them obtained upon that subject, although they are informed and believe that such evidence may be obtained from persons now absent.

"3. That the slaves mentioned in the said petition, whether the property of the said Catharine Clopper, or of any other person, appear to your committee to be absolutely necessary for the comfortable subsistence and accomodation of the said Catharine Clopper and her mother, the wife of the said Cornelius Clopper, according to their rank and situation in life.

"It is therefore most humbly submitted, whether it would not become the equity of the Honourable Convention to resolve that the several matters and things in the said petition specified, do continue in the possession of the said Catharine Clopper for her use, and not to be sold and disposed of by her, until due proof of property therein by her first made.

(Signed,) "GOUVR. MORRIS,
"LEWIS GRAHAM."

Resolved, That this Convention agrees with their committee in the said proposed resolution.

Ordered, That a copy of the petition of Catharine Clopper, with the inventory of her effects attending the said petition, of the preceding report of the committee and resolution thereon, be transmitted to the commissioners of Ulster county, and to the commissioners in Albany county.

A petition of Johannes Sleght and Patrick Barber, Esquires, commissioners in Ulster county, praying that this Convention would direct the committees of the different precincts, immediately to take an inventory of the personal property of those within their districts who have gone over to the enemy, and furnish the commissioners with inventories thereof.

Ordered, That the said petition be referred to the committee to whom the petition of Catharine Clopper was referred, and that General Scott be added to the committee.

Resolved, That the commissioners appointed in the respective counties of this State, to take into their custody and possession, all the personal property of ill disposed persons, who have joined or are with the enemy, be authorized to execute the powers given them by the resolutions of this Convention of the 6th and 21st days of March last, not only with respect to persons then gone to the enemy, but who have since so gone, or may in future go.

Ordered, That certified copies be transmitted to the said commissioners in the respective counties.

Capt. Zephaniah Platt reported a conference had with Egbert Benson, Esquire, on the subject of raising a company to be under the direction of the commissioners for detecting conspiracies, &c. And thereupon,

Resolved, That the commissioners for inquiring into, detecting and defeating all conspiracies which may be formed in this State against the liberties of America, be authorized to raise, pay and officer a company for the defence of this State only, to consist of a captain, two subalterns, four sergeants, four corporals, one drummer, one fifer, and sixty privates, to be allowed Continental pay; to continue in service for one year, unless sooner discharged by the Legislature; and to be under the command and direction of the commissioners above described, or such persons as shall be appointed by the Legislature of this State.

Resolved, That the said company be allowed Continental rations, or in lieu thereof, at the option of the said commissioners, or such other person or persons as shall be appointed to have the direction of the said company, the following subsistence, to wit: To the captain, eighteen shillings per week; to the subalterns, sixteen shillings per week; and to the non-commissioned officers and privates, twelve shillings per week.

An order of the county committee of Orange county to Major Henry Wisner, as to a number of persons by him apprehended on their way to the enemy, was read. Major Wisner, who was attending below with a guard and the under named prisoners, viz: James Flewelling, Elnathan Foster, John Flewelling, David Wyat, Solomon Combs, Benjamin Smith, Stephen Wood, John Moffatt, Benjamin Derby, Timothy Wood, Robert Denton, James Gosbert and Amos Ireland, were admitted and heard.

Elnathan Foster, Amos Ireland, John Flewelling, Robert Denton, James Gosbert, Benjamin Smith and Solomon Combs, were separately called up and examined in the presence of Convention, and their examinations taken in writing. All the other prisoners were then called up together.

Ordered, That John Flewelling be committed to the dungeon of the jail in Kingston, there to be kept until further order; and that James Flewelling, Elnathan Foster, David Wyat, Solomon Combs, Benjamin Smith, Stephen Wood, John Moffatt, Benjamin Derby, Timothy Wood, Robert Denton, James Cosman and Amos Ireland, be committed to the empty jail in this building, until further order.

Resolved and Ordered, That Mr. Platt, Mr. Wisner and Mr. Landon, be a committee to examine and deal with the said prisoners, as to them may seem meet and proper, and to give such directions to the guard, and such refreshment as they may think reasonable.

WEDNESDAY AFTERNOON, *April* 9, 1777.

The Convention met pursuant to adjournment.

PRESENT—William Smith, Esq. *Prest. pro tempore.*

Genl. Scott, Mr. Jno. Van Cortlandt, Col. Stoutenburgh, Major Van Zandt, Mr. Dunscomb, Mr. Harper, Mr. Jay—*New-York.*

Major Lawrence—*Queens.*

Major Tappen, Col. De Witt, Mr. Rea, Mr. Cantine—*Ulster.*

Mr. Wisner, Col. Allison, Mr. Clarke, Mr. Jos. Smith—*Orange.*

Mr. Robert Yates, Colo. Livingston, Mr. Gansevoort, Mr. Adgate—*Albany.*

Mr. G. Livingston, Capt. Platt, Mr. Landon, Mr. R. R. Livingston—*Dutchess.*

Mr. Harper, Mr. Moore, Mr. Newkerk—*Tryon.*

Mr. Stevens—*Cumberland.*

Mr. Smith, Mr Tredwell, Mr. Miller—*Suffolk.*

Judge Graham, Col. Drake, Major Lockwood, Mr. Mills, Mr. Morris—*Westchester.*

Col. Williams, Major Webster—*Charlotte.*

Colonel Stoutenburgh has leave of absence to remove his family to some place of safety.

Mr. Robert R. Livingston has leave of absence till next Monday evening.

Col. Allison has leave of absence for a week from the time of his departure.

Ordered, That General McDougall's letter of the and a letter from Colo. Dubois to the committee of arrangement, relative to clothing and arms for his regiment, be committed to General Scott, Mr. Jay and Tredwell.

A letter from Mr. John Henry, commissary of clothing for this State at Fishkill, dated yesterday, and directed to Messrs. Harper, Dunscomb and Newkerk, was read, and committed to those gentlemen; and that they be directed to answer Mr. Henry's letter, by directing him to apply to the Clothier-General. And,

Ordered, That the Treasurer of this State advance to Mr. John Henry, commissary of the clothing store of this State, at Fishkill, the sum of two thousand dollars, and take his receipt, to be accountable for the same.

Col. Birdsall attending, requested an answer to his petition, some time ago preferred to the committee of Dutchess county, and by them referred to Convention, praying that he may be permitted to occupy a farm in the said county lately occupied by a disaffected person, who is gone over to the enemy.

Ordered, That the Colonel be informed that the consideration of his petition is postponed until a general regulation is made with respect to the real estates of persons gone over to the enemy.

And whereas this Convention hath in numerous instances permitted the wives and families of persons with the enemy, to go to them: And whereas Lieut. Colonel Benjamin Birdsall, a zealous friend to the American cause, is very desirous of removing his family from Long island to some part of this State not in possession of the enemy, and the commanding officer on Long island to whom application for that purpose hath been made by a flag from General McDougall, hath refused the same.

Resolved, That Lieut. Colonel Birdsall be recommended to His Excellency General Washington, for his assistance in an application to General Howe, to permit the wife and family of the said Colonel Birdsall, to remove accordingly.

Whereas the county of Westchester being now in a great measure in the power of the enemy, it hath become impracticable to assemble a county committee therein; therefore, on application of the Deputies of the said county for money to defray the wages due to the Deputies of that county:

Ordered, That the Treasurer of this State pay to the Deputies of Westchester county in this Convention, or either of them, on account of the county of Westchester, to be accounted for by the said county to the State, and for the disposition whereof the said Deputies shall be held to account with the said county, the sum of six hundred pounds, on account of the wages due to the Deputies who have been elected and represent that county.

Mr. Gilbert Livingston, from the committee appointed to procure cannon ball for the forts in the Highlands, delivered in a report, which was read: and thereupon,

Resolved, That the said committee do contract with Mr. George Leonard, for fifty tons of cannon ball, to be delivered between this and the first of November next.

THURSDAY MORNING,

April 10, 1777.

The Convention met pursuant to adjournment.

Present—Wm. Smith, Esquire, *Presidt pro tem.*

Mr. Dunscomb, Mr. Harper, Major Van Zandt, Mr. Jay, Genl. Scott—*New-York.*

Major Lawrence—*Queens.*

Mr. Stevens—*Cumberland.*

Mr. Rea, Major Tappen, Mr. Cantine, Colo. De Witt—*Ulster.*

Mr. Robt. Yates, Mr. Gansevoort, Colo. Livingston—*Albany.*

Mr. Wisner, Colo. Allison, Mr. Clarke, Mr. Smith—*Orange.*

Colo. Williams, Mr. Webster—*Charlotte.*

Mr. Mills, Major Lockwood, Colo. Drake, Judge Graham, Mr. Morris—*Westchester.*

Mr. Smith, Mr. Miller, Mr. Tredwell—*Suffolk.*

Mr. G. Livingston, Capt. Platt, Mr. Landon, Mr. R. R. Livingston—*Dutchess.*

Mr. Harper, Mr. Moore, Mr. Newkerk—*Tryon.*

Mr. Robert Harper, one of the late clothing committee, reported the following resolution and draft of a letter to Mr. John Henry, commissary of clothing, (in answer to several letters received from him,) which were read, and agreed to, and are as follows, to wit:

Resolved, That the said John Henry be, and he is hereby directed to dispose of all the blankets that now are, or hereafter may come into the clothing store, to the troops now raising in this State, under the command of the Colonels Van Schaick, Van Cortlandt, Gansevoort, Dubois and Henry B. Livingston, at a reasonable rate, not abating more than thirty-three and one-third per cent on the first cost of the same.

"Sir—As there is now no clothing committee in this State, I am to inform you that in future you are to direct your letters to the President of this Convention; that for such articles as you may stand in need of for the use of the troops, you are directed to apply to John Mease, Esq. Clothier-General at Head-Quarters, who will supply you with the same; that Mr. Hoskins of Hartford, is directed to send a quantity of clothing he has purchased for our State to the care of John Canfield, Esqr. at Sharon; when advised of the particulars, you will be informed thereof. I am also to inform you that Mr. Mervin's account has been accepted and paid, of which you will take notice.

"Having delivered to the Auditor-General (now absent,) the accounts of the clothing which the several regiments have received of the committee, you cannot be furnished therewith at present, but on his return to this place they shall be transmitted to you with all convenient speed.

"I am, &c. By order.

"To Mr. John Henry, Commissr.
of the clothing store at Fishkill."

Ordered, That a copy thereof be signed by the President and transmitted.

Ordered, That the committee appointed to examine and deal with the prisoners brought to Convention yesterday by Major Wisner, be directed to pay Major Wisner and his party for their expenses and services while they are detained here, and that the said committee do audit the account of the said party for their services in apprehending the said prisoners and bringing them to this place, and that they report the same.

Mr. Wisner has leave of absence to go home to remain there three days, and then to return with all speed.

The House proceeded to the consideration of the plan or form of government.

The 22nd paragraph was read; the same being read a second time, Mr. Platt moved, and was seconded, that the words "in manner following, to wit," in the first part of the paragraph be obliterated, and the word "be" there inserted; that the residue of the paragraph from the word "being," to the end, be obliterated, and the words "by and with the advice and consent of the judges of the supreme court," inserted in its stead, so that the whole paragraph would read thus: "That every civil officer, who, according to this constitution shall not be eligible by the people, shall be appointed by the Governor for the time being, by and with the advice and consent of the judges of the supreme court."

Debates arose thereon, and after some time spent therein,

Resolved, That the further consideration of this paragraph be postponed till the afternoon.

The 23rd paragraph was read; the same being read a second time, some amendments were proposed and agreed to.

Mr. Jay moved, and was seconded, that the words "all judges of courts, whether of law, equity or admiralty," be obliterated, and the words "the chancellor, the judges of the supreme court, and the first judge of the county court in every county," inserted in their stead.

After some time spent therein, the same was agreed to, and amended accordingly.

The 24th paragraph was then read; after some time spent therein, the whole paragraph was unanimously amended, and as amended, inserted in the draft of the said plan.

The 25th paragraph was then read; the same being several times read, and sundry amendments made thereto, it was agreed to.

The 26th paragraph was then read; the same was again read, amended and agreed to.

The 27th paragraph was then proposed, drawn, debated, amended and inserted.

Adjourned till afternoon.

DIE MARTIS, 4 HO. P. M. *April* 10, 1777.

The Convention met.

PRESENT—Wm. Smith, Esq. *Pres. pro tem.*

Mr. Jay, Mr. Robert Harper, Major Van Zandt, Mr. Dunscomb, Genl. Scott—*New-York.*

Colo. Williams, Major Webster—*Charlotte.*

Mr. Gansevoort, Colo. R. R. Livingston, Mr. Adgate, Mr. Robert Yates—*Albany.*

Mr. Morris, Maj. Lockwood, Mr. Mills, Judge Graham, Colo. Drake—*Westchester.*

Mr. W. Smith, Mr. Miller, Mr. Tredwell—*Suffolk.*

Major Lawrence—*Queens.*

Mr. Stevens—*Cumberland.*

Major Tappen, Mr. Contine, Mr. Rea, Colo. De Witt—*Ulster.*

Mr. Clarke, Mr. Wisner, Colo. Allison, Mr. Jos. Smith—*Orange.*

Mr. Platt, Mr. Gil. Livingston, Mr. Landon—*Dutchess.*

Mr. W. Harper, Mr. Moore—*Tryon.*

A letter from Cornelius C. Schoonmaker, chairman of Ulster county, for transporting Continental troops, and support, attendance and medicine supplied to some of these troops when sick, was read.

Ordered, That it be committed to Mr. Gilbert Livingston, Mr. Gansevoort, Mr. Joshua H. Smith and Major Landon to report thereon.

The Convention proceeded to the consideration of the 22nd paragraph of the form or plan of government, which was postponed this morning. The 22nd paragraph and the amendments proposed thereto this morning were respectively read.

Debates arose thereon; after some time spent therein, the Convention dissolved itself into a committee of the whole House.

The President *pro tempore* left the chair.

Mr. Gansevoort was appointed Chairman, and took the chair accordingly.

The 22nd paragraph as drawn in the plan reported, was read. Debates arose thereon; sundry methods were proposed and debated upon.

Mr. Morris then moved, and was seconded, that the sense of the committee be taken, whether it would be wise, that the officers to be appointed by virtue of the 22nd paragraph, should be elected by the freeholders entitled to choose senators?

Debates arose thereon, and the question being put thereon, it was carried in the negative, in manner following, viz:

Negative.		*Affirmative.*	
New-York,	8	Suffolk,	4
Ulster,	4	Charlotte,	2
Albany,	6		6
Mr. Adgate dissenting.			
Dutchess,	5	Orange divided.	
Wetchester,	4		
Mr. Lockwood dissenting.			
	27		

The committee then arose, and the President *pro tem.* by order, took the chair.

The chairman of the committee reported to the Convention that the committee of the whole house had sat on the business assigned them, made some progress therein, and prayed leave to sit again.

The President informed the Convention of the report of the said committee.

Resolved, That the said committee have leave to sit again.

The Convention adjourned till 9 o'clock to-morrow morning.

FRIDAY MORNING,

April 11, 1777.

The Convention met pursuant to adjournment.

PRESENT—Colo. Van Cortlandt, *Vice-President.*

Mr. Van Cortlandt, Mr. Jay, Mr. Dunscomb, Genl. Scott, Mr. Harper, Major Van Zandt, Mr. Bancker—*New-York.*

Capt. Platt, Mr. Landon, Mr. G. Livingston—*Dutchess.*

Mr. Moore, Mr. Harper, Mr. Newkirk—*Tryon.*

Mr. Gansevoort, Mr. Adgate, Col. Livingston, Mr. Robert Yates—*Albany.*

Mr. Smith, Mr. Miller, Mr. Tredwell—*Suffolk.*

Col. Drake, Major Lockwood, Mr. Mills, Mr. Morris, Judge Graham, Colo. Van Cortlandt—*Westchester.*

Major Lawrence—*Queens.*

Genl. Clinton, Major Tappen, Mr. Cantine, Mr. Rea, Col. De Witt—*Ulster.*

Mr. Jos. H. Smith, Colo. Allison, Mr. Wisner, Mr. Clarke—*Orange*

Mr. Webster, Colo. Williams—*Charlotte.*

Mr. Stevens—*Cumberland.*

A letter, dated April 9, 1777, from Lieut. Colo. Willet, of Colonel Gansevoort's regiment, relative to Captain Houston of the said regiment, who has been long absent, and it is said, is gone over to the enemy, &c. was read, and referred to the committee of arrangements.

A letter from Peter T. Curtenius, dated the 10th day of April instant, relative to the clothing store at Fishkill, and a copy of a return from John Henry, the clothing storekeeper at Fishkill, therein contained, were read.

Ordered, That the Secretaries send to Mr. John Henry, commissary of the clothing store of this State, a list of the articles to be given to the soldiers as a bounty.

Ordered, That Peter T. Curtenius be directed to send all the wooden canteens mentioned in his letter to Mr. John Henry at Fishkill, and that he direct Mr. Henry to sell them to the troops of this State at such price as to save the State from loss.

Ordered, That Mr. John Henry have as many knapsacks made as he can, and sell them to the troops of this State at such price as to save the State from loss.

Ordered, That Mr. Henry deliver bounty clothing for the Continental troops raising in this State, only to the order of one of the field officers or quarter-master of each regiment, and take receipts for all such as he may deliver.

A letter from Nancy Van Alen, dated at Kinderhook the 9th of April instant, respecting her husband, John E. Van Alen, who is confined in Albany jail, was read. The petition of the said John E. Van Alen, dated in Albany jail on the first instant, praying for his discharge or a relaxation of his confinement, was read.

Ordered, That the said petition and letter lie on the table.

The Convention then resolved into a committee of the whole House on the 22d paragraph of the form of government.

The Vice-President having left the chair, Mr. Gansevoort as chairman of the committee of the whole House, took the chair.

The 22d paragraph of the plan of government as formerly reported by the committee for that purpose, was read in the committee.

Mr. Jay then moved, and was seconded, that the whole of that paragraph from the words "to wit," to the end of the paragraph, be obliterated, and the following inserted in its stead, viz:

"The General Assembly shall once in every year openly nominate and appoint one of the Senators from each great district, which senators shall form a Council for the appointment of the said officers, of which the Governor for the time being, or the Lieutenant-Governor or President of the Senate, when they shall respectively administer the government, shall be President and have a casting voice, but no other vote; and with the advice and consent of the said Council, shall appoint all the said officers; and that a majority of the said Council be a quorum. And further, that the same senators shall not be eligible to the same council for two years successively."

Mr. Jay, seconded by Mr. Morris, moved that the Speaker of the Assembly be added to the Council for the appointment of officers.

Mr. R. Harper moved that the words "and have a casting voice but no other vote," be obliterated.

The same was, with leave, withdrawn.

Mr. William Harper moved, and was seconded by Mr. Wisner, that the words, "of which the Governor for the time being, or the Lieutenant-Governor or President of the Senate, when they shall respectively administer the government, shall be President, and have a casting voice, but no other vote, with the advice and consent of the said," be obliterated, and the word "which" inserted before the words "Council shall."

Debates arose thereon, and the question being put on Mr. Harper's motion, it was carried in the negative, in manner following, viz:

For the negative.		*For the affirmative.*	
Dutchess,	5	Orange,	3
Westchester,	4	Charlotte,	2
Albany, Mr. Adgate dissenting.	6	Suffolk,	4
New-York, Genl. Scott and Mr. R. Harper dissenting.	8	Tryon,	3
Ulster, Mr. Rea dissenting.	4		12
	27		

The question was then put on the said amendment to that paragraph, moved for by Mr. Jay, and carried in the affirmative, in manner following, to wit:

For the affirmative.		*For the negative.*	
Dutchess,	5	Suffolk,	4
New-York, Genl. Scott dissenting.	8	Tryon,	3
Albany, Mr. Robt. Yates dissenting.	6	Charlotte,	2
Westchester, Mr. Lockwood dissenting.	4		9
Orange,	3		
Ulster, Mr. Rea dissenting.	4		
	30		

Col. De Witt then moved, and was seconded by Mr. Wisner, that next after the words "time being," the following words be added, viz: "one member of the General Assembly from each county to be chosen by the Senators."

Debates arose thereon, and the question being put thereon, it was carried in the negative, in manner following, to wit:

For the affirmative.		*For the negative.*	
Tryon,	3	Dutchess,	5
Charlotte,	2	Westchester, Maj. Lockwood dissenting.	4
Suffolk,	4	New-York,	8
Orange,	3	Albany, Mr. Robt. Yates dissenting.	6
	12	Ulster, Mr. Rea and Col. De Witt dissenting.	4
			27

Mr. Robt. Harper then moved that the word "immediately" be inserted before the word "eligible;" the same was agreed to, and inserted accordingly.

The 22d paragraph as amended was then read for the question; and the question being put thereon, it was carried in the affirmative, in manner following, viz:

For the affirmative.		*For the negative.*	
Westchester, Mr Lockwood dissenting.	4	Charlotte,	2
New-York, Genl. Scott dissenting.	8	Tryon,	3
Dutchess,	5	Suffolk,	4
Albany, Mr. R. Yates dissenting.	6	Orange,	3
Ulster, Colo. De Witt and Mr. Rea dissenting.	4		12
	27		

The committee then adjourned.

The committee of the whole House having arisen, the President took the chair.

Mr. Gansevoort, from the committee of the whole, reported the proceedings of the said committee, which he read in his place, and delivered in at the table, where the same was again read.

Ordered, That the further consideration of the report of the committee of the whole House be postponed until the afternoon.

DIE VENERIS, 4 *ho. P. M. April* 11, 1777.

The Convention met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esq. *Vice-Prest.*

Mr. Robert Harper, Mr. Dunscomb, Mr. Bancker, Mr. Jay, Mr. Van Cortlandt, Genl. Scott, Mr. Beekman, Major Van Zandt—*New-York.*

Major Lawrence—*Queens.*

Genl. Clinton, Colo. De Witt, Mr. Cantine, Major Tappen, Mr. Rea—*Ulster.*

Mr. Robt. Yates, Colo. P. R. Livingston, Mr. Gansevoort, Mr. Adgate—*Albany.*

Mr. Platt, Major Landon, Mr. Gil. Livingston—*Dutchess.*

Mr. Harper, Mr. Moore, Mr. Newkirk—*Tryon.*

Colo. Allison, Mr. Wisner, Mr. Jos. Smith, Mr. Clarke—*Orange.*

Mr. Tredwell, Mr. Miller, Mr. Smith—*Suffolk.*

Judge Graham, Mr. Mills, Major Lockwood, Mr. Morris, Col. Van Cortlandt, Col. Drake—*Westchester.*

Major Webster, Col. Williams—*Charlotte.*

Mr. Stevens—*Cumberland.*

The petition of James Webster, David Crane and Usal Crane, manufacturers of saltpetre, praying an exemption of militia duty, was read, and ordered to lie on the table.

A letter from the committee of Albany, dated 9th April, 1777, enclosing the affidavits of John Van Den Bergh, Peter Waldron, and others, relative to a dangerous conspiracy of a number of disaffected persons in the county of Albany, together with the copy of a letter from John Younglove, of Cambridge, directed to John Barclay, Esquire, chairman, relative to one John Munro, sent by the committee of Albany, to be confined at this place, and who is charged with enlisting men under General Howe, were read and filed.

The said letter from the committee of Albany is as follows, viz:

"ALBANY COMMITTEE CHAMBER, *9th Apl.* 1777.

"GENT.—From the enclosed affidavits you will observe that a conspiracy of a dangerous nature, is carrying on in this county by a number of persons, many of whom have long since been considered as enemies to our cause, and as such have been treated. Experience has taught us that banishing disaffected persons out of this State, to a neighbouring one, answers no good end; keeping them among us we are apprehensive will prove our ruin. Lenity, instead of having its due weight, is construed by those people in a different sense; they insinuate we are afraid to pursue more spirited measures, and assure their hearers the affair will soon be settled. These and other artful arguments have great effect on weak minds. The apprehension

of the savages attacking such of our defenceless inhabitants as will not accede to their tory plan, a piece of intelligence industriously propogated at a time the Indians have really commenced hostilities, makes many proselytes to their measures.

"By a resolution of Convention, persons aiding or assisting our enemies are to suffer death. There has not been a time since the commencent of these troubles, that required a law to carry this resolution into execution more than the present. Our jails are full—if banished, they are returned—punishment we can not inflict—among us they ought not to be. In this our alarming situation, we must call on Convention for their direction, and hope they will devise ways and means to relieve us from those more than pests to society. Permit us to suggest to Convention a mode that we conceive might effectually remove those enemies from among us. We are informed a number of French armed vessels are arrived in some of our ports; if our tory neighbours were exchanged for as many of their sailors, a number of useful men might be engaged for our ships, and our internal enemies removed. The punishment would strike a terror in others, who would not perhaps in future exert themselves so strenuously in so bad a cause; such an exile would perhaps be looked upon as more terrible than a New-England one, and have a good effect. If such a plan could not be adopted, would not the holding up the idea answer a good end?

"The committee have taken the liberty to send John Munro, Esq. a prisoner in this city, to be confined in Kingston jail. The letter from John Younglove, Esq. chairman of Cambridge district, herewith sent, will, we hope, justify this measure.

"The committee have caused James Hewetson to be apprehended, (formerly a lieutenant in the regular service,) the tory colonel mentioned in one of the affidavits herewith sent.

"Parties are in pursuit of such other of the ringleaders that are discovered.

"The obvious necessity of the direction of Convention, will, we hope, apologise for our requesting their immediate answer.

"We are, gentlemen,
"Your most obt. humble servts.
"By order,
"JOHN BARCLAY, *Chairman.*

"*N. B.* Several of the deponents, whose affidavits you have herewith, are freeholders, people frightened by the artifice of villains who have been indefatigable in propogating tales to further their hellish schemes."

Ordered, That Lieutenant Robert Gray do immediately confine John Munro, Esquire, in Kingston jail, and that the keeper of the said jail keep him in safe custody till further order. And,

Ordered, That the committee of Kingston put a sufficient and convenient fence before the jail in Kingston, so as to prevent a too great communication with the prisoners in jail.

The Convention proceeded to take into consideration the report of the committee of the whole House, made this morning, which was read, and is in the words following, viz:

"That every civil officer who, according to this constitution, shall not be immediately eligible by the people, shall be appointed in manner following, to wit:

"The General Assembly shall once in every year openly nominate and appoint one of the senators from each great district, which senators, together with the Speaker of the Assembly for the time being, shall form a Council for the appointment of the said officers, of which the Governor, for the time being, or the Lieutenant-Governor, or President of the Senate, when they shall respectively administer the government, shall be President, and have a casting voice, but no other vote; and with the advice and consent of the said Council, shall appoint all the said officers; and that a majority of the said Council be a quorum. And further, that the same senators shall not be eligible to the said Council for two years successively."

The same being read,

Mr. Jay moved, and was seconded by Mr. Morris, that from the beginning of the paragraph to the word "people" inclusive, be obliterated, and the words "that all civil officers, other than those who by this constitution are directed to be otherwise appointed," there inserted.

The question being put thereon, the same was agreed to.

The next sentence of the report, as far as the words "appoint all the said officers" included, was then read for consideration.

The same being read a second time, Mr. Robert Yates moved, and was seconded, that the residue of the said report of the committee of the whole House after the words "the General Assembly shall," be rejected, and that the following words be adopted in its stead, viz:

"For every office, by a vote or resolve, nominate two persons, and the Senate also two persons, out of which number the Governor for the time being, shall choose, appoint and commission one of the number so nominated, the person whom he judges best qualified; provided that whenever it shall be judged necessary to appoint or alter the magistrates of any of the counties of this State, that the Assembly shall make out a roll of the persons they may judge qualified for the office; and the Senate shall also make out a roll of the number of persons they may judge qualified for the said office, and out of the list of the persons contained in the said rolls, the Governor for the time being shall appoint and commission as many as he may judge best qualified for the magistracy."

So that the whole paragraph may read thus:

"That all officers other than those who by this constitution are directed to be otherwise appointed, shall be appointed in the manner following, to wit:

"The General Assembly shall for every office, by a vote or resolve, nominate two persons, and the Senate also two persons, out of which number the Governor for the time being, shall choose, appoint and commission one of the number so nominated, the person whom he judges best qualified; provided that whenever it shall be judged necessary to appoint or alter the magistracy of any of the counties of this State, that the Assembly shall make out a roll of the persons they may judge qualified for the office, and the Senate shall also make out a roll of the number of persons they may judge qualified for the said office, and out of the list of persons contained in the said rolls, the Governor for the time being, shall appoint and commission as many as he may judge best qualified for the magistracy."

Debates arose thereon, and the question being put thereon, it was carried in the negative, in manner following, to wit:

For the negative.		*For the affirmative.*	
Dutchess,	5	Suffolk,	4
Westchester,	4	Charlotte,	2
New-York,	8	Tryon,	3
Mr. Bancker, Genl. Scott and Mr. Harper, dissenting.		Orange,	3
		Mr. Smith dissenting.	
Ulster,	4		12
Colo. De Witt and Mr. Rea dissenting.		Albany divided.	
	21		

Thereupon the amendment was rejected.

Mr. Treadwell then moved, and was seconded by Mr. William Harper, that every officer intended to be appointed by virtue of the 22d paragraph, be appointed by act of the Legislature.

The question being put thereon, it was carried in the negative.

The said sentence of the report of the committee of the whole House, was then again read, and the question put whether the Convention agrees with their committee, it

was carried in the affirmative, in the manner following, to wit:

For the affirmative.		*For the negative.*	
Westchester,	4	Suffolk,	4
Ulster,	4	Tryon,	3
Colo. De Witt and Mr. Rea dissenting.		Orange,	3
New-York,	8	Charlotte,	2
Genl. Scott dissenting.			12
Dutchess,	5	Albany divided.	
	21		

Adjourned till to-morrow morning.

DIE SABBATI, 9 HO. A. M.

April 12, 1777.

The Convention met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esq. *Vice-President.*

Mr. Beekman, Mr. Dunscomb, Mr. Bancker, Mr. Jay, Mr. Van Cortlandt, Major Van Cortlandt, Mr. Robert Harper—*New-York.*

Major Lawrence—*Queens.*

Major Tappen, Mr. Cantine, Mr. Rea, Colo. De Witt—*Ulster.*

Mr. Adgate, Mr. Robert Yates, Mr. Gansevoort—*Albany.*

Mr. Gilbert Livingston, Mr. Landon, Mr. Platt—*Dutchess.*

Mr. Moore, Mr. W. Harper, Mr. Newkerk—*Tryon.*

Mr. Jos. H. Smith, Mr. Clark—*Orange.*

Mr. Tredwell, Mr. W. Smith, Mr. Miller—*Suffolk.*

Colo. Van Cortlandt, Mr. Mills, Colo. Drake, Major Lockwood, Mr. Morris, Judge Graham—*Westchester.*

Major Webster, Colo. Williams—*Charlotte.*

Mr. Stevens—*Cumberland.*

A letter from the committee of Tryon county, dated on the 2nd of April, signed by Samuel Clyde, chairman, was received and read.

Several of the letters therein referred to (which are eighteen in number) were read.

A letter from the committee of Tryon county, dated the 7th day of April instant, and signed by John Eisenlord, their secretary, was also read.

A letter from Frederick Fisher and John Eisenlord, two of the commissioners for receiving and disposing of the effects of persons gone over to the enemy, from Tryon county, dated the 8th of April, requesting directions as to the execution of those resolves, was also read.

Ordered, That all the said letters and papers be referred to Mr. Wm. Smith, Colo. Williams and Mr. W. Harper, to report thereon.

The committee on Major Wisner's pay roll, delivered in their report, which was read, and agreed to, and is as follows, viz:

"That the said major, and the party under his command, have exerted themselves in apprehending a number of persons, dangerous and disaffected to the liberties of America, and therefore, that the sum of forty-three pounds ten shillings and six pence ought to be paid them as a gratuity to reimburse them their expenses, as also for their encouragement in future to turn out on special occasions."

Ordered, That the Treasurer pay to Henry Wisner, Esq. the said sum of forty-three pounds ten shillings and sixpence, to be by him delivered to the said Major Wisner, and take his receipt for the same.

Ordered, That Mr. Adgate, Mr. Webster and Mr. Newkerk, be a committee to examine, and report on the pay and subsistence rolls of Capt. Bradt's company of rangers.

The Convention resumed the consideration of the report of the committee of the whole house on the 22nd paragraph of the plan of government.

The last sentence but one of the report was read and agreed to.

The last sentence was then read and agreed to.

The whole report of the said committee of the whole house being read as amended, and the question put thereon, it was carried in the affirmative, in manner following, viz:

For the affirmative.		*For the negative.*	
Westchester,	4	Charlotte,	2
Dutchess,	5	Tryon,	3
New-York,	8	Suffolk,	4
Mr Robt. Harper dissenting.		Albany,	6
Ulster,	4	Mr. Gansevoort dissenting.	
Mr. Rea dissenting.			15
	21	Orange divided.	

Thereupon,

Resolved, That this Convention agree in the said report of their committee as amended, which is as follows, to wit:

"That all officers other than those who by this constitution are directed to be otherwise appointed, shall be appointed in the manner following, to wit: The General Assembly shall once in every year openly nominate and appoint one of the senators from each great district, which senators, together with the Speaker of the Assembly for the time being, shall form a Council for the appointment of the said officers, of which the Governor for the time being, or the Lieutenant-Governor, or the President of the Senate, when they shall repectively administer the government, shall be President, and have a casting voice, but no other vote; and with the advice and consent of the said Council shall appoint all the said officers; and that a majority of the said Council be a quorum: And further, that the same senators shall not be eligible to the said Council for two years successively."

In order that the connection of the paragraphs be recollected,

Ordered, That the paragraphs next following, which have been agreed to, be read.

On reading the 23rd paragraph, Mr. Tredwell gave notice that he intends, on Monday next, to move for a reconsideration of the said 23rd paragraph.

The 24th, 25th, 26th and 27th paragraphs were then respectively read for information and recollection.

The 28th paragraph was then read for consideration.

The same being read a second time, Mr. Tredwell moved, and was seconded, that after the words "originate in the" the word "Senate" be struck out, and the words, "General Assembly" there inserted; and that after the words, "amendment of the," the words "General Assembly" be struck out and the word "Senate" inserted in their stead.

Debates arose thereon; after some time spent therein,

Resolved, That this Convention will resolve itself into a committee of the whole house on the said 28th paragraph.

The President, by order, left the chair, and Mr. Gansevoort, by order, took the chair as chairman.

The 28th paragraph was then read in committee.

Debates arose thereon; after some time spent therein, Mr. Morris moved, and was seconded, that all that part of the paragraph which follows the word, "annually appointed," be obliterated, and the following inserted in its stead: —"as follows, to wit: The Senate and Assembly shall each openly nominate as many persons as shall be equal to the whole number of Delegates to be appointed; after which nomination they shall meet together, and those persons named on both lists shall be Delegates; and out of those persons, whose names are not on both lists, one-half shall be chosen by the joint ballots of the senators and members of Assembly, so met together as aforesaid."

The original paragraph was then read, and being again read, agreeable to the proposed amendments, was agreed to, and is as follows, to wit:

"That Delegates, to represent this State in the General Congress of the United States of America, be annually appointed, as follows, to wit: The Senate and Assembly shall each openly nominate as many persons as shall be

equal to the whole number of Delegates to be appointed; after which nomination, they shall meet together, and those persons named in both lists shall be Delegates; and out of those persons whose names are not on both lists, one half shall be chosen by the joint ballots of the senators and members of Assembly, so met together as aforesaid."

Mr. Tredwell then moved, and was seconded, that an amendment be made, declaring that "the seats of all Delegates to Congress, appointed or elected out of either branch of the Legislature, shall be thereby vacated."

The question being put thereon, the same was rejected.

The whole paragraph, as amended, was then read and approved of, and agreed to be reported.

The committee arose, and the President took the chair. Mr. Gansevoort reported the proceedings of the committee, which he read in his place and delivered in at the table, where the same was again read; the same being again read, and the question put thereon, it was carried in the affirmative, in manner following, to wit:

For the affirmative.		*For the negative.*	
New-York,	8	Tryon,	3
Westchester,	4	Mr. Newkerk dissenting.	
Ulster,	4	Charlotte,	2
Dutchess,	5		—
Suffolk,	4		5
Orange,	3		
	—		
	28		

Thereupon, the said 28th paragraph, as amended, was agreed to, and by order inserted in the draft of the plan of government.

The 29th paragraph being read, by order was obliterated, so that the next paragraph became the 29th.

The next paragraph, being marked 29th, was read and agreed to.

Adjourned till to-morrow morning.

DIE SOLIS, 10 HO. A. M.

April 13, 1777.

The Convention met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esq. *Vice-President.*

Mr. Van Cortlandt, Mr. Robt. Harper, Mr. Dunscomb, Major Van Zandt, Genl. Scott, Mr. Jay, Mr. Beekman—*New-York.*

Colo. De Witt, Major Tappen—*Ulster.*

Mr. Clark, Mr. Jos. H. Smith—*Orange.*

Mr. Robt. Yates, Mr. Gansevoort, Mr. Adgate, Colo. Van Rensselaer—*Albany.*

Mr. Landon—*Dutchess.*

Mr. Newkerk, Mr. Moore, Mr. Wm. Harper—*Tryon.*

Mr. Stevens—*Cumberland.*

Mr. W. Smith, Mr. Tredwell, Mr. Hobart, Mr. Miller—*Suffolk.*

Colo. Van Cortlandt, Mr. Lockwood, Mr. Mills, Mr. Morris—*Westchester.*

Major Webster, Colo. Williams—*Charlotte.*

A letter from James Duane, Esquire, dated at Mamacotting, instant, informing of a valuable lead mine, and on the subject of salt and sulphur, was read.

Ordered, That the separate committees for directing assays on the making of salt, and prosecuting assays on sulphur and lead ores, be consolidated; and that Mr. Duane's letter be committed to that committee to report thereon.

Ordered, That Capt. Henry Benson, with the armed vessel belonging to this State, under his command, do proceed to the city of Albany to convey to that place the Continental gunpowder arrived at this place, for the use of the Continental troops.

The Convention then proceeded to the further consideration of the form of government.

The 30th paragraph was read twice, and the same then being read in short sentences, and amended with consent, was agreed to by sentences. The same as amended was again read, and agreed to.

SUNDAY AFTERNOON, *April* 13, 1777.

The Convention met.

PRESENT—Pierre Van Cortlandt, Esq. *Vice-President.*

Mr. Dunscomb, Mr. Harper, Mr. Bancker, Mr. Beekman, Genl. Scott, Mr. Van Zandt—*New-York.*

Mr. Wm. Harper, Mr. Moore, Mr. Newkerk—*Tryon.*

Col. De Witt, Major Tappen—*Ulster.*

Col. Van Rensselaer, Mr. Adgate, Mr. Robert Yates, Mr. Gansevoort—*Albany.*

Mr. Landon—*Dutchess.*

Colo. Williams, Major Webster—*Charlotte.*

Mr. Clarke, Jos. H. Smith—*Orange.*

Mr. Hobart, Mr. Tredwell, Mr. Wm. Smith, Mr. Miller—*Suffolk.*

Col. Van Cortlandt, Mr. Mills, Major Lockwood—*Westchester.*

Mr. Stevens—*Cumberland.*

The committee appointed to audit the accounts of John A. Bradt, late a captain of a company of rangers, reported on the said accounts. The report was read, and ordered to be recommitted.

The Convention then resumed the consideration of the 31st paragraph of the draft of a plan of government. The same was read, and again read by sentences; the first sentence being read, General Scott moved, and was seconded, that the whole of the first sentence be obliterated, and the following words inserted in its stead, viz:

"That the power of impeaching all officers for mal and corrupt conduct in their respective offices, be vested in the representatives of the people in General Assembly; but that it shall always be necessary that two-third parts of the members present shall consent to and agree in such impeachment."

The same being several times read, and the question put thereon, the motion was agreed to, and that sentence ordered to be inserted instead of the first sentence as it stood.

The second sentence was then read. A motion was then made and seconded, that the words "or sentence" be obliterated; that the words "three-fourth" be obliterated, and the words "two-third" inserted in their stead; and that the words "who assisted at the trial" be obliterated, and that the words "then present" be inserted in their stead.

The said amendments were respectively agreed to, and inserted accordingly.

The next sentence being read, in the words following, viz: [Not inserted.]

A motion was then made, and seconded by Messrs. Jay and Scott, that the said sentence be amended in manner following, viz:

"But the party so convicted shall be nevertheless liable and subject to indictment, trial, judgment and punishment, according to the laws of the land."

The question being put thereon, the same was agreed to, and the paragragh amended accordingly.

The last sentence was read, in the words following, to wit: [Not inserted]

Sundry amendments were moved and seconded, by Messrs. Yates, Jay and Scott, which being severally reduced to writing and read, are in the words following, viz:

"*And it is further Ordained*, That in every trial on impeachment or indictment for crimes or misdemeanors, the party impeached or indicted shall be allowed counsel, as in civil actions."

The same being several times read, was agreed to, and ordered to be inserted in lieu of the last sentence.

The said 31st paragraph as amended was then read, in the words following, to wit: [Not inserted.]

The question being put thereon, it was agreed to.

The 32nd paragraph was then read, and left for further consideration.

The 33rd paragraph, hitherto marked 32d, was then read; and the 34th, hitherto marked the 33rd, was read. General Scott moved, and was seconded by Mr. Jay, that

the words "or place" be inserted after the words "military office." The same was agreed to, and inserted accordingly.

The 35th paragraph, hitherto marked the 34th, was then read. The 36th paragraph, hitherto counted to be the 35th, was then read, and postponed for further consideration.

DIE LUNÆ, 10 HO. A. M.

April 14, 1777.

The Convention met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esq. *Vice-President.*

Mr. Bancker, Mr. Dunscomb, Major Van Zandt, Mr. Van Cortlandt, Mr. Robert Harper, Mr. Jay, Mr. Beekman—*New-York.*

Mr. Newkerk, Mr. Moore, Mr. Harper—*Tryon.*

Mr. Mills, Colo. Van Cortlandt, Mr. Morris, Major Lockwood—*Westchester.*

Mr. Rob. Yates, Mr. Gansevoort, Col. Van Rensselaer, Mr. Adgate—*Albany.*

Mr. Landon—*Dutchess.*

Mr. Tredwell, Mr. Hobart, Mr. W. Smith—*Suffolk.*

Major Webster, Colo. Williams—*Charlotte.*

Col. De Witt—*Ulster.*

Mr. Clarke, Mr. Jos. Smith—*Orange.*

Mr. Stevens—*Cumberland.*

Mr. Morris produced a draft of Horatio Gates, Major-General, on Major-Genl. Mifflin, Quarter-Master-General, or his deputy at Philadelphia, which was read, and is in the words following, viz:

"*Esopus, 14th April,* 1777.

"SIR—Pay unto the Treasurer of the State of New-York, or his order, one hundred dollars, for so much advanced by him to George Hurt and Nicholas Bowers, wagon-masters, who are returning with a brigade of wagons to Philadelphia, having delivered powder brought from thence.

"I am, sir, your humble servant,
"HORATIO GATES,
"*Major-General.*

"To Major-Genl. MIFFLIN, Q. M. G.
or his deputy at Philadelphia."

Ordered, That the Treasurer of this State pay the said sum of one hundred dollars to George Hurt and Nicholas Bowers, wagon-masters from Philadelphia, taking their receipt for the same; that he debit the Continent for that sum and forward the said draft to the Quarter-Master-General or his deputy for payment, and on receipt thereof credit the same.

The petition of Duncan McConnelly, setting forth that he formerly deserted from the enemy's service; that he is well affected to this State, and without any cause whatever, is confined as a disaffected person, and praying to be heard.

Ordered, That the said petition be referred to the committee appointed lately to hear the prisoners brought to this place by Major Wisner, viz: Mr. Platt, Mr. Wisner and Mr. Landon.

A pay roll of a company of rangers lately commanded by Capt. John A. Bradt, from the 4th day of February last, to the first day of April instant inclusive, amounting to the sum of £224 6*s.* 0*d.* and a subsistence roll of the said company for the time aforesaid, amounting to £156 7*s.* 5*d.* sworn to by the said Capt. Bradt, before the Vice-President to be just and true rolls, containing the names of the officers, non-commissioned officers and privates of the said company who are actually in service, were exhibited for payment. Therewith was also exhibited a muster roll of the said company, with a particular affidavit of the said Capt. Bradt, sworn before the Vice-President, endorsed thereon, that it is a just and true muster roll of the said company, containing the names, rank, time of enlistment, their reenlistment, absenting themselves or discharged from the said company.

On the back of the said pay roll is endorsed a certificate of Benjamin Newkerk, Matthew Adgate and Alexander Webster, a committee appointed to audit the said accounts, that they have examined the said pay roll and the subsistence roll thereto annexed, and allow the sum of £224 6*s.* 0*d.* for pay, and the further sum of £156 7*s.* 5*d.* for subsistence, to John A. Bradt and his company.

Ordered, That the Treasurer of this State pay to Capt. John A. Bradt the said sum of £224 6*s.* 0*d.* for pay due to his company, and the further sum of £156 7*s.* 5*d.* for subsistence due to the said company, amounting together, to the sum of £380 13*s.* 5*d.* taking his receipt for the same; and that the Treasurer file the muster roll of the said company this day sworn to as aforesaid, with the said pay roll.

The committee appointed to consider and report on the letter of Cornelius C. Schoonmaker, chairman of the committee of Ulster county, dated the 8th instant, delivered in their report, which was read.

The said letter was then again read, and is as follows, viz:

"*In Committee of the County of Ulster,*
"*April 8th,* 1777.

"To the Honourable the Convention of the State of New-York:

"GENTLEMEN—There are sundry accounts laid before this committee by persons who live within this county, of expenses that have accrued for transporting some of the Continental troops with their baggage; also for entertaining, nursing and doctoring such of the sick of said troops as could not be moved. As many of the persons who produced such accounts, are in low circumstances, they can not afford to lie out of their money, and this committee is of opinion they should not, as they were moved with such tenderness as to commiserate with the distressed and indigent, most of whom were lousy and in wretched circumstances. This committee begs that the Honourable Convention will, in their wisdom, devise some mode by which such accounts may be discharged, as the good of the public service in some degree depends on it. If it is agreeable to the Honourable Convention, this committee will, after examining such accounts, pay them out of the public money they have borrowed from this State, provided they shall have the several sums reimbursed to them again. Gentlemen, your speedy answer to the above will much oblige your very humble servants.

"By order of the Committee.
(Signed,) "CORNS. C. SCHOONMAKER,
"*Chairman.*"

The said report being again read, (in one instance amended,) adopted and agreed to as the act of this Convention, is in the words following, viz:

Resolved, That the committee of the county of Ulster be informed, that the Quarter-Master-General of the Continental army, or any of his deputies, pay all the charges that accrue in transporting Continental troops and their baggage, upon certificates being produced of the service performed; and that the Director-General of the hospital in either of the departments, will pay all reasonable accounts for entertaining and nursing any of the sick soldiers belonging to the Continental army.

The committee to whom was referred the letter from five Indian chiefs, dated at Oneoghquaga, on the first day of March last, and the letter from Colo. John Harper of the 10th of March, together with Colo. Harper's account, brought in their report on the said letters and account.

The said letters were respectively read, and are as follows, viz:

"*Cherry Valley, March* 10, 1777.

"GENTLEMEN—I take this opportunity to acquaint you of my proceedings since I left the Fishkill. After my arrival at Harpersfield, which was on the 17th February last, I heard a report that Joseph Brant, with a considerable number of warriors with him, had an intention to beset the frontiers. I thought proper to give to the captains of the several companies under my command, private orders to be in readiness at the shortest notice given by me, in

order to oppose the aforesaid Brant and party; as I resolved to go with an Indian and one white man to Oneoghquaga, in order to discover the motions of the enemy. For which purpose I set out on the nineteenth of February, and arrived in Oneoghquaga on the twenty-seventh, when I found that the reports were not well grounded. I, therefore, in order to present your letter of the 12th February to them in the most friendly manner, killed an ox, to make a friendly entertainment, which had the desired effect; for those that seemed to scruple the sincerity of our declarations of friendship before this, were prevailed on to think that our actions corresponded with our professions; they expressed their sorrow for our troubles, and declared that they would take no active part against us. Their necessities have caused many of them to go to Niagara, but with no other views than to trade for the necessaries of life; and inform that Colonel Butler has forbid them to hurt the frontiers. They likewise inform that Joseph Brant has returned from the Oneida Castle to Niagara; that he has a mind to settle at the Onondaga Castle. They likewise inform that Brant differed with G. Johnson, and was going to kill him, had he not been prevented. Whether this was the cause of his leaving the army I can't tell. I saw the Indians that left Oneoghquaga with Brant as they were returning, and they exactly correspond with the above account, which is all at present that I can acquaint you relative to Brant and party; and conclude, gentlemen,

"Your very humble servant,

"JOHN HARPER.

"*P. S.*—Gentlemen, I send you an account of the expenses of my journey, and the cost of the ox, with some other small presents, which I hope will meet your approbation.

"JOHN HARPER."

The report of the said committee was then read as follows:

"Your committee to whom was referred the letter from Adam, Peter, Isaac, Jacob and Hendrick, chiefs of the Oneoghquaga tribe, and another from Colo. John Harper, who was sent by this House as a messenger to said Indians, together with his account against this State for said service, do report:

"That there are only two points in said papers which require the attention of this House. The one is a paragraph in the letter from the Indian chiefs, in which they complain that there are already five houses over our line of property on the Delaware river, and desire we would remove those encroachers as soon as possible. The other is the account of the said Colonel John Harper against this State, for services done by order of the Convention.

"As to the first point, your committee are of opinion that a commissioner or commissioners should be immediately appointed to examine into said complaint, and to report to this Convention, or to the Legislature, or executive power of this State for the time being, as soon as may be, how many such settlements there are, the names of the settlers, and the grounds or claims upon which such settlements were made, that such order may be made therein as to justice and right doth appertain; that all just cause of complaint upon that head may be removed; and that said commissioner or commissioners be ordered to give the Indians the fullest assurances of our disposition to do them justice.

"As to the account of the said Colonel Harper, in which he charges this State for services done, and contingent expenses, with twenty-nine pounds one shilling and six pence, your committee report, that they find some articles of expense charged in the said account, which they do not find that he was expressly authorized to incur; and, therefore, they do not conceive themselves authorized to allow the same without the consent of this House, however reasonable they may appear."

Ordered, That Colo. John Harper's account, amounting to £29 1*s.* 6*d.* for his trouble and disbursements in a journey as commissioner to the Indians at Oneoghquaga, by order of this Convention, be paid. And

Ordered, That the Treasurer of this State pay that sum to William Harper, Esquire, for the use of Colonel John Harper. And

Ordered, That the residue of the said report lie on the table, to be considered when the report for appointing commissioners for Indian affairs in this State shall be taken in consideration.

Mr. Duane, one of the committee hereinafter named to have been appointed on the 10th of February last, being gone to Congress, on motion of Mr. Morris, seconded by General Scott,

Ordered, That Mr. Robert Yates and Mr. Jay be, and hereby are, added to the committee appointed on the 10th of February last, to report the best ways and means for managing the Indian affairs of this State.

The Convention were informed that Mr. John Henry, a commissary of clothing for the Continental troops raising in this State, is going to New-York with a flag.

Ordered, That Mr. Hobart write a letter to Egbert Benson, Esquire, and the other commissioners at Fishkill, desiring them to prevent John Henry from departing until he has settled his accounts with this State. A draft of the said letter was read and approved, and is in the words following, to wit:

"*Kingston, April* 14, 1777.

"GENTLEMEN—The Convention have received information that John Henry, the commissary of clothing for this State, is about going to New-York, which they fear will be attended with dangerous consequences; and have therefore directed me to write to you, and desire that you will take measures to prevent his going till he shall first have settled his accounts with the State, and obtained leave from the Convention.

"I am, gentlemen,

"Your mo. obt. servt.

"To EGBERT BENSON, Esq. Chairman,
and the Commissioners at Fishkill."

Ordered, That a copy thereof be engrossed, and signed by the Vice-President, and transmitted.

Mr. Hobart, from the commissioners appointed to meet commissioners from New-Jersey, Pennsylvania, Delaware, Maryland and Virginia, at York Town, in Pennsylvania, reported that they were directed to lay a copy of the proceedings of the said commissioners before the Convention, which, being read, was ordered to lie on the table, for the perusal of the members.

The Convention resumed the consideration of the plan of government.

Mr. Jay moved, and was seconded, that the following paragraph be ordained and made a part of the form of government, viz:

"WHEREAS the right of preëmption to all the Indian lands within this State appertains to the good people thereof: AND WHEREAS it is of great importance to the safety of this State, that peace and amity with the Indians within the same be at all times supported and maintained: AND WHEREAS the frauds too often practised towards the said Indians, in contracts for their lands, have in divers instances been productive of dangerous discontents and animosities:

"*Be it Ordained*, That no purchases or contracts for the sale of lands, made since the fourteenth day of October, in the year of our Lord 1775, or which may hereafter be made, with or of the said Indians within the limits of this State, shall be binding on the said Indians, or deemed valid, unless made under the authority and with the consent of the Legislature of this State."

The same being read, the ordaining part thereof was again read, considered of, and agreed to.

The recitals being again read together, and then each recital read separately, on the reading of the first recital de-

bates arose thereon. After some time spent in consideration thereof, it was rejected, and by order obliterated. The other recitals being separately read, were agreed to.

The whole paragraph being then read and considered, and the question put thereon, was agreed to, in the words following, to wit:

WHEREAS it is of great importance to the safety of this State, that peace and amity with the Indians within the same be at all times supported and maintained: AND WHEREAS the frauds too often practised towards the said Indians, in contracts made for their lands, have, in divers instances, been productive of dangerous discontents and animosities:

Be it Ordained, That no purchases or contracts for the sale of land, made since the fourteenth day of October, in the year of our Lord 1775, or which may hereafter be made with or of the said Indians, within the limits of this State, shall be binding on the said Indians, or deemed valid, unless made under the authority and with the consent of the Legislature of this State.

DIE LUNÆ, 4 *ho. P. M. April* 14, 1777.

The Convention met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, *Vice-President*.

Genl. Scott, Mr. Jay, Mr. Bancker, Mr. Dunscomb, Major Van Zandt, Mr. Robert Harper—*New-York*.

Colo. De Witt, Major Tappen—*Ulster*.

Mr. Clarke, Mr. Jos. Smith—*Orange*.

Mr. Gansevoort, Mr. Robt. Yates, Mr. Adgate—*Albany*.

Mr. Landon—*Dutchess*.

Mr. Moore, Mr. Wm. Harper, Mr. Newkerk—*Tryon*.

Mr. Tredwell, Mr. Wm. Smith, Mr. Hobart, Mr. Miller—*Suffolk*.

Col. Van Cortlandt, Major Lockwood, Mr. Mills, Mr. Morris—*Westchester*.

Major Webster, Colo. Williams—*Charlotte*.

A letter from Obadiah Jones, dated at Saybrook, requesting some directions as to their electing future representatives, was read.

Ordered, That it lie on the table for the perusal of the members, until the matters of Suffolk county stock and accounts are resumed.

Mr. Hobart produced to Convention an account of Peter Bontecue, of New-Haven, for the passage and freight of the families and effects of Daniel Haines, Daniel Hedges, Mat. Osborn, James Jennings, Elisha Mulford, Linus Dibble, Isa. Franks and Jonathan Tuttle, amounting to sixty-four pounds and ten pence; on the said account is endorsed a certificate of Timothy Jones, Junr. Jonathan Fitch, Heze. Sabin and Abraham Augur, committee of inspection for New-Haven, that the said account is a reasonable charge.

At the foot of the said account is a certificate, subscribed by Thomas Derring and John Foster, dated the 31st of December, 1776, certifying that they have examined the said account of Peter Bountecou, amounting to £64 0*s*. 10*d*. New-York currency, and approved the charge.

Ordered, That the Treasurer of this State pay to Peter Bontecou, or his order, the sum of £64 0*s*. 10*d*. for his said account, taking a receipt in full for the same.

On motion of Mr. Morris, who was seconded,

Ordered, That a committee be appointed to prepare a letter to the Honourable the Congress, stating the several resolutions relative to the removal of the stock, grain and inhabitants from Long island, and the propriety of charging the expense which hath accrued thereby to the United States.

Ordered, That Mr. Morris, Mr. Hobart and General Scott be the committee.

A memorial of Major Albert Pawling, dated this day, was read, as follows, to wit:

"*To the Honourable the Convention of the State of New-York:*

"The memorial of Albert Pawling, major of one of the sixteen additional regiments ordered to be raised by the Honourable the Congress for the service of the United States of America, and officered by His Excellency General Washington,

"HUMBLY SHEWETH:

"That as well your memorialist as the officers of four companies in one of the said regiments, are members of this State, as will appear from the enclosed list; that most of them are persons who have fled from the city of New-York or Long island, leaving their all behind them, rather than desert the cause of liberty and their country, by falling into the hands of the enemy; and all of them, (one or two subalterns excepted,) have served as officers appointed by this State in the service of the United States of America, and though with some degree of military reputation, as will appear by the recommendations given them to the committee of arrangement by the general officers under whom they more immediately served, yet they were (from unavoidable necessity, as your memorialist believes) unprovided for in the five regiments assigned to this State to raise.

"Your memorialist further begs leave to premise that the officers of the said sixteen regiments are not confined to any particular State to recruit the same; notwithstanding which, it has been the policy of the States of Connecticut and Massachusetts Bay, to grant their respective State bounties, as well to recruits, (wheresoever enlisted,) for those regiments as for the artillery, where the recruiting officers only are members belonging to either of those States, by means whereof they furnish officers, and this State men for those corps; and besides the honour of apparently furnishing a large proportion of men for the war, at the close of it, from the well known attachment that men generally have to their officers, they will acquire by this stroke of policy whole regiments of new subjects at the expense of this and other of the States.

"Your memorialist, however, means not by this reasoning to ask a bounty or any extra encouragement for the recruits of his officers; and as he wishes, so he will exert himself to raise as many in other states as he possibly can, for which purpose his recruiting officers have proper directions. But your memorialist can't help humbly thinking that a late resolve of this Honourable House, giving an exemption to such of the militia from being drafted in the service as shall furnish or enlist men for either of the five regiments of this State only, bears extremely hard on his officers, and will greatly retard, if not totally prevent their filling their companies, except the same resolve shall be extended to them.

"Your memorialist, therefore, from a desire of promoting the interest of this State, of which he has the honour of being a member, and of promoting the recruiting service at large, by having his officers put on an equal footing with others of the same State, has thought it his duty to lay the state of fact contained in the above memorial before this Honourable House, with the fullest confidence (arising from the high opinion he entertains of their wisdom and justice) that the said resolution will be extended equally to the above four companies as to the other troops now raising in this State.

"And your memorialist, as in duty bound, will ever pray.

(Signed) ALBERT PAWLING.

"*Kingston, April 14th*, 1777."

A list of officers of the four companies alluded to in the above memorial: Captains—Nathaniel Tom, John Watkins Black, Santford; Lieutenants—Wood, Lawrence, Neely, Munnell, Drake, Oliver, Robert, Rodman.

Ordered, That Major Pawling be informed that this Convention made and issued the resolution referred to in his memorial, in order to aid in recruiting the five regiments directed to be raised in this State, which they conceived themselves bound in honour to complete as soon as possible; and that when those regiments are completed, the Convention will give all such aid to the recruiting ser-

vice in general as shall to them appear consistent with the particular circumstances of this State.

The Convention proceeded to the consideration of the report of a form of government.

With consent of the Convention, Mr. Tredwell gave notice, that he will to-morrow move for the reconsideration of the 23rd paragraph, for the reconsideration whereof he gave notice on Saturday last.

The 36th paragraph was read; the same being again read, Mr. Morris moved that the words, "for crimes hereafter to be committed," be added to that paragraph.

Mr. Jay then moved, and was seconded by Mr. Robert Harper, for the following amendment to the amendment, viz: that the amendment be in the following words, viz: "for crimes that may be committed after the termination of the present war."

Debates arose thereon; and the question being put thereon, it was carried in the affirmative.

Mr. Jay then moved, and was seconded, for the following addition, viz: "and that such acts shall not work a corruption of blood."

The question being put on the last amendment, it was agreed to.

A motion was then made and seconded, that this paragraph be put in the words following, viz:

"And that no acts of attainder shall be passed by the Legislature of this State, for crimes other than those committed before the termination of the present war, and that such acts shall not work a corruption of blood."

The same being thus read and agreed to, was ordered to be inserted.

On motion of Mr. Morris,

Ordered, That the further consideration of this paragraph be postponed till to-morrow.

Adjourned till to-morrow morning, 9 o'clock.

DIE MARTIS, 9 HO. A. M.

April 15, 1777.

The Convention met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esquire, *Vice-President*.

Mr. Bancker, Mr. Robt. Harper, Mr. Dunscomb, Major Van Zandt, Mr. Jay—*New-York*.

Major Lawrence—*Queens*.

Mr. Cantine, Colo. De Witt, Major Tappen—*Ulster*.

Mr. Clarke—*Orange*.

Mr. Adgate, Mr. Robert Yates, Mr. Gansevoort, Mr. Ab. Yates, Mr. Cuyler—*Albany*.

Mr. Landon, Capt. John Schenk—*Dutchess*.

Mr. Wm. Harper, Mr. Moore, Mr. Newkerk—*Tryon*.

Mr. Stevens—*Cumberland*.

Mr. Hobart, Mr. Tredwell, Mr. W. Smith, Mr. Miller—*Suffolk*.

Colo. Van Cortlandt, Major Lockwood, Mr. Mills, Mr. Morris—*Westchester*.

Colo. Williams, Major Webster—*Charlotte*.

A short petition from Solomon Combs, Robert Denton and James Cosman, three disaffected persons in Kingston, dated the 14th instant, was read. They thereby offer to go into the Continental service for three years, and profess their sorrow for their past conduct.

Ordered, That the said petition be referred to the committee appointed to hear those prisoners when they were committed; and that Mr. Tredwell and Mr. Lawrence be added to that committee.

On motion of Mr. Morris,

Resolved, That a committee be appointed to prepare and report a proper device for a great seal for this State; and that Mr. Morris, Mr. Jay and Mr. Hobart be a committee for that purpose.

The House resumed the consideration of the report of the plan of government.

The paragraph of the plan of government relating to trial by jury, was read.

Mr. Robert Harper moved, and was seconded by Messrs. Adgate and Tredwell, that the following proviso be added, viz:

"Provided that no jury shall hereafter be compellable to unanimity in their verdict."

Mr. Adgate then moved, and was seconded, for the following amendment, viz:

"That three-fourth parts of a jury agreeing in a verdict shall be sufficient, and their verdict received as if the whole jury had agreed."

Debates arose thereon; and the question being put thereon, it was carried in the negative, in manner following, viz:

For the amendment.		*Against the amendment.*	
Tryon,	3	Westchester,	4
Mr. Newkerk dissenting.		Suffolk,	4
		Ulster,	4
		New-York,	8
		Mr. R. Harper dissenting.	
		Charlotte,	2
		Albany,	6
		Mr. Adgate dissenting.	—
			28

The question being then put on the amendment moved by Mr. Robert Harper, it was carried in the negative, in manner following, viz:

For the negative.		*For the affirmative.*	
Westchester,	4	Tryon,	3
Suffolk,	4	Mr. Newkerk dissenting.	
Ulster,	4		
New-York,	8		
Mr Robert Harper dissenting.			
Charlotte,	2		
Albany,	6		
Mr. Adgate dissenting.	—		
	28		

The said paragraph was again read.

Mr. Jay moved, and was seconded, that the following addition be made to that paragraph, viz:

"And further, that the Legislature of this State shall at no time hereafter institute any new court or courts, but such as shall proceed according to the course of the common law."

Debates arose thereon, and during those debates, Abraham Yates and Jacob Cuyler, Esqrs. came into Convention and took their seats.

The question being put on the amendment it was agreed to.

The paragraph thus amended was then read, and the question being put thereon, it was agreed to.

The whole paragraph, with the amendments agreed to yesterday afternoon and this morning, was then read, and the question being put thereon, was agreed to.

Mr. Tredwell, according to notice given, moved and was seconded, that the 23rd paragraph be reconsidered; the question being put thereon, was agreed to.

The said 23rd paragraph was then read. Thereupon, a motion was made and seconded, that the words "by the Governor," be obliterated. The question being put thereon, it was agreed to. Thereupon,

Ordered, That the 22nd paragraph be read; and the same being read, a motion was made and seconded, that the word "civil" in the former part thereof be obliterated; the question being put thereon, it was agreed to, and the paragraph amended accordingly.

The 23rd paragraph, as above amended, was then read and agreed to.

TUESDAY AFTERNOON, *April* 15, 1777.

The Convention met pursuant to adjournment.

PRESENT—Col. Pierre Van Cortlandt, *Vice-President*.

Mr. Jay, Mr. Dunscomb, Mr. Harper, Major Van Zandt, Mr. Bancker, Mr. Beekman—*New-York*.

Mr. Harper, Mr. Newkerk, Mr. Moore—*Tryon*.

Mr. Stevens—*Cumberland*.

Mr. Cuyler, Mr. Abm. Yates, Mr. Robt. Yates, Mr. Gansevoort, Mr. Adgate—*Albany*.

Mr. Webster, Colo. Williams—*Charlotte.*

Mr. Landon, Capt. Schenk, Mr. R. R. Livingston—*Dutchess.*

Major Lawrence—*Queens.*

Col. De Witt, Mr. Cantine, Major Tappen—*Ulster.*

Mr. Clarke—*Orange.*

Mr. Smith, Mr Hobart, Mr. Tredwell, Mr. Miller—*Suffolk.*

Mr. Mills, Maj. Lockwood, Col. Van Cortlandt, Judge Graham, Mr. Morris—*Westchester.*

Colonel De Witt produced to Convention, at the request of Cornelius Schoonmaker, a list of the quantity of stockings and blankets purchased by the different persons in the different townships and precincts in Ulster county, amounting to £578 1*s.* 11*d.* and in behalf of the said chairman, requested an advance of money to discharge the accounts accrued in purchasing the said articles: Thereupon,

Ordered, That the Treasurer of this State advance to Cornelius Schoonmaker, Esquire, chairman of the general committee of Ulster county, the sum of six hundred pounds, to enable him to discharge the account of stockings and blankets purchased by sundry persons in the said county, pursuant to a resolution of the Committee of Safety, and take his receipt to account for the said sum.

A letter from General McDougall, dated Peekskill, on the 14th inst. together with the proceedings of a general court martial held on the 11th instant, for the trial of Simon Mabee, charged with being employed by the enemy as a spy, and for enlisting men into their service, the said Simon Mabee being, by the said court martial, found guilty of the said charge and sentenced to be hanged by the neck till he is dead, were read; and the same were taken into consideration. After some time spent therein, on motion, the further consideration thereof was postponed until tomorrow.

The petition of Benjamin and John Gilbert, late of the city of New-York, praying for some employment in the military line, was read and ordered to lie on the table for further consideration.

The committee to whom was referred the letters from the committee of Tryon county, dated the 2nd and 7th of April instant, as also a letter from the commissioners for disposing of the personal property of persons gone over to the enemy, delivered in their report, which was read, amended and recommitted, with the addition of Mr. R. R. Livingston, to the said committee.

The Convention proceeded to the further consideration of the plan of government.

The paragraph between those marked 31 and 32, and which will be numbered 32, was read. After some time spent therein, on motion,

Ordered, That the said paragraph be recommitted to Mr. Hobart, Mr. Jay and Mr. Robert Yates.

The 3rd and 4th paragraphs were then respectively read and committed to the same committee.

WEDNESDAY MORNING,
April 16, 1777.

The Convention met pursuant to adjournment.

PRESENT—Colo. Pierre Van Cortlandt, *Vice-President.*

Mr. Jay, Mr. Dunscomb, Mr. Bancker, Major Van Zandt, Mr. Robert Harper, Genl. Scott—*New-York.*

Major Landon, Mr. Robt. R. Livingston, Capt. Jno. Schenk—*Dutchess.*

Mr. Cuyler, Mr. Gansevoort, Mr. Robert Yates, Mr. Abm. Yates, Mr. Adgate—*Albany.*

Colo. Van Cortlandt, Mr. Mills, Mr. Lockwood—*Westchester.*

Col. De Witt, Mr. Cantine, Major Tappen—*Ulster.*

Mr. Miller, Mr. Smith, Mr. Hobart, Mr. Tredwell—*Suffolk.*

Mr. Clarke—*Orange.*

Colo. Williams, Major Webster—*Charlotte.*

Major Lawrence—*Queens.*

Mr. Moore, Mr. Harper—*Tryon.*

A letter to the committee of correspondence from Colonel Alexander Hamilton, at Morristown, dated the 12th instant, was read. He thereby informs, that the General approves of the resolution of this Convention in the case of Major Edminston, and that it would be most agreeable to the General, that Major Edminston might be forwarded to Philadelphia without giving the General the trouble of an interview with the major. Thereupon,

Ordered, That the committee appointed to take the parol of Major Edminston at this place, be and are authorized and requested to give directions that he be sent forward to Philadelphia agreeable to the opinion of General Washington, signified by Colonel Hamilton.

The committee to whom was recommitted the letters from the committee, and the commissioners in Tryon county, delivered in their report, which was read, amended and agreed to, and is as follows, to wit:

"That your committee have examined the intercepted letters which were taken on their way to disaffected persons now in Canada; but find nothing therein worthy of notice, and that they ought to be returned to the committee of Tryon county.

"That the said committee be informed that works for making salt will soon be erected in that county, and also that this Convention have applied to Congress for a supply of that article, which if obtained will be properly distributed among the inhabitants of this State.

"AND WHEREAS the said committee of Tryon county have lately detected a number of disaffected persons, and were about sending them to Kingston, your committee are of opinion they ought to be detained in close confinement in the said county till further provision is made for disposing of them by the Convention, or future Legislature of this State:

"*Resolved,* That a letter be written to the committee of Tryon county, approving of their zeal and attention to the general welfare of America, and informing them that past experience has shewn the inefficacy of oaths of allegiance, and that in the idea of this Convention, it will be impolitic to administer any general oath at this time lest it might lead into a security dangerous to the safety of the State.

"WHEREAS it appears to this Convention that many very considerable farms in Tryon county have been deserted by their owners, who have gone over to the enemy: AND WHEREAS the said farms contain a great number of cattle and farming utensils requisite to stock and work the said farms: AND WHEREAS by the sale of the said stock and farming utensils the said farms would become waste and unemployed, and the number of inhabitants in the said county be greatly diminished: Therefore,

"*Ordered,* That the commissioners in the said county be, and hereby are, empowered to let on account of this State for one year, the said farms, together with the necessary stock and the farming utensils thereon, to any well affected persons, for such rent as may to them appear reasonable; first having the stock and farming utensils appraised, and taking security from the person or persons to whom the same may be let, for the return thereof at the end of the term.

"*Resolved,* That the rent of the said farms be paid into the public treasury of this State.

"AND WHEREAS the said commissioners have requested assistance in the execution of their office,

"*Resolved,* As the opinion of Convention, that the said commissioners are vested with full and sufficient power by the resolution of this Convention, to call on the militia for such aid as they may stand in need of."

A draft of a letter to the committee of Tryon county, was read and approved, and is in the words following, viz:

"*Kingston, April* 16, 1777.

"SIR—The Convention have directed me, in answer to your letter of the 2nd inst. to inform you that they acknowledge with pleasure the zeal and attention to the public welfare, manifested in most of your public proceedings. They are, however, very doubtful about the propriety of administering a general oath of allegiance, especially while

the want of a regular government give people a plausible pretence to refuse it. In those few counties in which it has been tried, it has been productive of much evil, and laid aside, after experience had of its inutility. It is sometimes dangerous to probe a wound too deep. Our unacquaintance with the characters of the people of your county renders it difficult to advise you respecting those you have taken up. We can only in general terms recommend you to keep a watchful eye over such as you may suspect, and to retain those in custody whom you may deem dangerous. The nature of their confinement must be submitted to your prudence.

"The enclosed resolves contain answers to other parts of your letter, &c.

"By order.

"The Committee of Tryon county."

A petition of Isaac Davis of Shandakan, late sergeant of Capt. Elias Hasbrouck's company, of Ulster county rangers, complaining of his captain for refusing to pay him his wages, was read and referred to Colo. De Wit and Mr. Contine.

A petition of John Harback, late of the city of New-York, read and referred to the committee of arrangements.

The Convention, according to the order of last evening, proceeded to take into their further consideration, the proceedings of the court martial held at Peekskill, on the 11th day of April instant, for the trial of Samuel Mabee, and after some time spent therein,

Resolved unanimously, That the judgment and sentence of the said court martial be confirmed.

Ordered, That the Secretary of this Convention transmit to General McDougall certified copies of the resolution in his letter described.

Teunis Sleght, a messenger sent with sundry copies of the resolutions of this Convention, passed on the 27th of March last, for discharging sundry companies of rangers raised in this State, being returned, his report of his conduct and services was read.

The account of the said Teunis Sleght, for his services in that business seventeen days, was read.

Ordered, That the Treasurer of this State pay to Teunis Sleght, on his receipt, seventeen pounds, in full for his said account; and that the Treasurer file the several receipts of the officers of the rangers, given to the said Teunis Sleght, for the copies of the resolutions of the 27th of March, served on them respectively.

The Convention proceeded to the consideration of the form or plan of government.

The committee to whom the 32nd paragraph (as now numbered,) and the 3rd and 4th were referred, brought in their report, which Mr. Yates, their chairman, read in his place, and delivered in at the table, where the same was again read.

On reading the report of the said committee on the 3rd paragraph, debates arose thereon.

The question was put whether the Convention agrees with their committee, that the General Assembly of this State shall consist of at least seventy members, and the same was carried in the affirmative, with only one dissenting voice.

On motion,

Ordered, That the said report be recommitted to the same committee to report the number of members that shall represent each county, and that they report their opinion thereon to this Convention, in the afternoon.

Die Mercurii, 4 *ho. P. M. April* 16, 1777.

The Convention met pursuant to adjournment.

Present—Pierre Van Cortlandt, Esquire, *Vice-President*.

Genl. Scott, Mr. Jay, Mr. Bancker, Major Van Zandt, Mr. Dunscomb, Mr. Robert Harper, Mr. Beekman—*New-York*.

Major Lawrence—*Queens*.

Colo. De Witt, Mr Cantine, Major Tappen—*Ulster*.

Mr. Clarke, Mr. Wisner—*Orange*.

Mr. Robt. Yates, Mr. Cuyler, Mr. Adgate, Mr. Gansevoort, Mr. Abraham Yates—*Albany*.

Mr. Landon, Capt. Jno. Schenk, Mr. R. R. Livingston, Mr. G. Livingston—*Dutchess*.

Mr. W. Harper, Mr. Newkerk—*Tryon*.

Mr. Stevens—*Cumberland*.

Mr. Tredwell, Mr. Miller, Mr. Hobart—*Suffolk*.

Judge Graham, Major Lockwood, Colo. Van Cortlandt, Mr. Mills, Mr. Morris—*Westchester*.

Colo. Williams, Major Webster—*Charlotte*.

The committee appointed to reconsider and report on the 32nd, 3rd and 4th paragraphs, brought in their report, which was read.

The same by order, being again read by sentences, General Scott moved, and was seconded, that after the words "its inhabitants," the following words be inserted, viz:

"And the supremacy heretofore claimed by the Parliament of Great Britain or of England, over the said Colony."

The question being put thereon, was carried in the negative, by a majority of two members; the proposed amendment was therefore rejected.

Mr. Robert Yates moved, and was seconded, for inserting the words, "such parts of," before the words, "the common law;" the same was agreed to.

Mr. Abraham Yates moved, and was seconded, that that part of the report which confirms the proceedings of the general Committees of Safety, be expunged; the same was agreed to, and that part of the said paragraph was obliterated.

The whole of the said 32nd paragraph being again read, and the question put thereon, it was agreed to.

The report of the said committee of a paragraph to be substituted in the lieu of the 3rd paragraph, was read, and follows, viz:

"That the Assembly shall consist of at least seventy members, to be chosen in the several counties, in the proportions following, to wit:

"City and county of New-York,		nine	members
City and county of Albany,		nine	do
Dutchess	county,	seven	do
Westchester	do	seven	do
Ulster	do	six	do
Suffolk	do	six	do
Queens	do	five	do
Tryon	do	five	do
Orange	do	four	do
Charlotte	do	three	do
Cumberland	do	three	do
Gloucester	do	two	do
Kings	do	two	do
Richmond	do	two	do"

This paragraph as reported, was then read in parts. On reading the words, "Westchester, seven," a motion was made, and seconded, that the word or figure "seven," be changed to "six." The question being put thereon, it was carried in the affirmative.

On reading the words "Suffolk, six," a motion was made, and seconded, that the word or figure "six," be changed to "five." The question being put thereon it was carried in the affirmative.

On reading the words, "Queens, five," a motion was made, and seconded, that the word or figure "five," be changed to "four." The question being put thereon, it was carried in the affirmative.

The residue of the said report on the 3rd paragraph, was read and agreed to.

A motion was then made and seconded, that one of the substracted members be added to Albany, so that Albany may have ten members.

The question being put thereon, it was carried in the affirmative: Therefore,

Ordered, That the amendment be made, viz: "Albany ten."

A motion was then made and seconded, that another of the substracted members be added to Tryon county; the same was carried in the affirmative.

Ordered, That it be amended, "Tryon six."

A motion was then made and seconded that the other substracted members be added to Orange. It was carried in the negative.

A motion was then made and seconded, that the remaining substracted member be added to Charlotte county. The question being put thereon, it was carried in the affirmative, and amended accordingly.

The paragraph reported by the said committee to be substituted in lieu of the 4th paragraph, was read. The same being again read and amended, was agreed to, and by order inserted in the plan of government as part thereof.

Mr. Jay moved, and was seconded, that the following addition be added to that paragraph, as reported, to wit:

"And whereas the county of Richmond, from its particular situation, cannot conveniently be annexed to any other county:

"*Be it Ordained*, That the said county shall always have at least one representative in the General Assembly."

The question being put thereon, the votes of the counties were as follows, viz:

For the affirmative.		*Negative.*	
New-York,	8	Dutchess,	5
Ulster,	4	Albany,	6
Charlotte,	2	Orange,	3
Westchester,	4	Suffolk,	4
	18		18

Therefore the amendment proposed was lost.

Mr. Morris then moved, and was seconded, that the following amendment be made by adding the following proviso, viz:

"Provided that no county shall be left without at least one representative."

The question being put thereon, it was carried in the negative in manner following, viz:

For the negative.		*For the affirmative.*	
Dutchess,	5	Westchester,	4
Ulster,	4	Orange,	3
New-York,	8		7
Albany,	6		
Suffolk,	4		
Charlotte,	2		
	29		

Therefore the proposed amendment was rejected.

Mr. Morris then gave notice that he will to-morrow move for the reconsideration of the eighth paragraph.

Mr. Wisner informed the Convention that he had received a letter from Jos. Barton, in New-York, and that a letter from the said Jos. Barton to Thomas Welling, had been intercepted, and is now in his custody. The said letters were respectively read.

Ordered, That the said letter to Thomas Welling be committed to Mr. Wisner and Mr. Morris.

Adjourned till to-morrow morning.

THURSDAY MORNING,

April 17, 1777.

The Convention met pursuant to adjournment.

Present—Colo. Pierre Van Cortlandt. *Vice-President.*

Mr. Jay, Mr. Bancker, Mr. Dunscomb, Major Van Zandt, Mr. Robert Harper, Mr. Beekman, General Scott—*New-York.*

Major Lawrence—*Queens.*

Mr. Cantine, Major Tappen—*Ulster.*

Major Webster, Colo. Williams—*Charlotte.*

Mr. Abm. Yates, Mr. Robert Yates, Mr. Adgate, Mr. Gansevoort, Mr. Cuyler—*Albany.*

Mr. Clarke, Mr. Wisner—*Orange.*

Mr. G. Livingston, Mr. Landon, Mr. R. R. Livingston, Capt. John Schenk—*Dutchess.*

Mr. Stevens—*Cumberland.*

Mr. Hobart, Mr. Tredwell, Mr. Smith, Mr. Miller—*Suffolk.*

Mr. Mills, Major Lockwood, Colo. Drake, Mr. Morris—*Westchester.*

Mr. Newkirk, Mr. Harper—*Tryon.*

A letter from Colonel Hamilton at Head-Quarters, at Morristown, to the committee of correspondence, was read. He thereby gives a particular account of the attack of the enemy on the American troops commanded by General Lincoln at Bound Brook, and informing that three or four of the enemy's vessels have got into the river Delaware, and that a vessel from France was attacked in the said river; that to prevent her falling into the hands of the enemy she was blown up, but that some part of the cargo was cast on shore.

The petition of Elizabeth Haight, dated this day, and claiming, as belonging to her mother, some goods seized by the commissioners appointed to dispose of the personal property of persons gone over to the enemy, as the property of Grove Bend, and praying that the same may be restored to her, was read; and

Ordered, To lie on the table.

Whereas it is represented to this Convention, that Susannah Robb, late an inhabitant of the city of New-York, is now at Fishkill, in Dutchess county, in a very distressed situation, with five small children to maintain, and that her husband is a prisoner at New-York:

Resolved, That the said Susannah Robb be considered as of the number of the poor of the said city; and that the committee of Rumbout precinct make the like provision for the maintenance of the said Susannah Robb and her children, as for the other poor from the city of New-York in that precinct.

Application was made to Convention by Major George Nicholson, in the Continental service, with a request in writing, subscribed Walter Stewart, A. D. C. by order of Major-General Gates, requesting the aid of Convention to obtain a sloop or wagons to remove the baggage of the cadet company under his command, and also to remove the French refugees and their baggage, now at Hurley, where they were placed by order of General Schuyler, to the city of Albany, where they are now ordered by the command of Genl. Gates: Thereupon,

Ordered, That the armed sloop under the command of Captn. Castles, do proceed to Albany with the said baggage and people; that she be there discharged, and return with all possible despatch.

Resolved, That the resolutions of this Convention of the first day of April instant, empowering court martials to try persons coming from the enemy as spies, enlisting men in their service, or supplying them with provisions, be extended to all such persons as shall be taken in going off privately to the enemy, and continue in force till the first day of July next, unless sooner repealed.

Ordered, That a copy of the aforegoing resolution be sent to His Excellency Genl. Washington, and to the Generals McDougall and George Clinton, and that the same be published in the newspaper.

An account of Charles Sprainger, formerly master of the brigantine Mary, now lying at Esopus Landing, for his disbursements and wages, was read, and committed to Mr. Dunscomb and Mr. Gilbert Livingston.

The committee appointed to examine and dispose of the persons apprehended and brought to this place by Major Wisner, delivered in their report, and the examinations by them taken, which were read, as follows, to wit:

"Your committee, who were appointed to examine and dispose of the prisoners detected by Major Wisner in going to the enemy, report that they have examined Samuel Herring, whose examination contains such information as your committee are of opinion ought to be laid before the House; that they have examined Solomon Combs, Robert Denton and James Cosman, who petitioned for leave to enlist into the Continental service; and that as it does not appear that James Cosman was taken going to the enemy, or that there is any evidence of his disaffection, your committee are of opinion that he may safely be trusted in the service. But as to the other two, who confess they were on the way, when taken, to join the enemy, your

committee are of opinion that before any such persons are permitted to enlist into the service, the sense of the General ought to be taken as to the propriety of such a measure.

"*The examination of Samuel Herrin:*

"He says he was born in Ireland; that he was taken into custody at Minnisink, in consequence, as he was informed, of one John Moore's swearing that he was to be appointed a lieutenant in the regular service, and was enlisting men for that purpose; that the said Moore had formerly deserted from the regular army; had since enlisted in our army, and has deserted from them; that some time in the winter the examinant heard that one Joseph Barton, living at a place called Mamacotting, had a quantity of salt to sell, which the examinant was much in want of; that the examinant went there, and while there, said Barton gave him encouragement, and advised him to join the regular army, telling him that matters could soon be settled on the same footing they were in the year 1763, and if he would join he would have one hundred acres of land given him, which the examinant says he refused; that some time after, one Solomon Cartwright was sent to the examinant, requesting him to come to the said Barton immediately, which he refused to do; that the next night the said Barton went off to the enemy, as this examinant has been informed; an officer was sent to take said Cartwright into custody, but did not succeed; that since that time said Cartwright has told the examinant he would enlist all the men in his power, and informed him he had seen a letter from said Barton, which mentioned that he and all his friends should hold themselves in readiness; that he intended to be at home to eat his Easter dinner, and on the night following make a general jail delivery at Sussex and Goshen; that the examinant wagered a bottle of rum that it would not be done by May day; that some time since the said Cartwright offered the examinant £50 to go with him to the regulars, telling the examinant that himself and about twenty more had a meeting the night before, which was on Thursday night last, a week past, who told the examinant he had a true account how matters were to be carried on: the scheme was, that as soon as the grass would supply the horses with feed sufficient for their subsistence, a number of light horse, together with a large party of tories and some regular troops, were to penetrate into the country to Sussex and Goshen, which would be done as soon as they heard that General Howe had attacked General Washington's army and drove them from Morris Town; that they would, at the same time, send some shipping up the North river as far as New-Windsor; that about 400 men from Albany and the upper part of Ulster county were to come down to Kingston and take the Convention prisoners, carry them to New-Windsor, and put them on board the men of war, for which they were to receive great rewards, then to meet the other party or parties; that when this scheme is to be put into execution, expresses are to be sent through that part of the country to all the tories, who were immediately to join and disarm all those who would not assist them; that one James McCormick and William Crum, he believes, were confederates with Cartwright; that Cartwright had told examinant that letters had been received from Pennsylvania, giving great encouragement that they should be joined from that quarter; that the number of tories now with General Howe was 5,600, and upwards; that Barton had fifteen hundred under his command, as this examinant was informed by said Cartwright.

(Signed,) "SAMUEL HERRIN.

"Sworn before me.

"JONA. LAWRENCE.

"*Kingston, April 16, 1777.*"

Resolved, That the said committee be authorized to permit Solomon Comb, Robert Denton and James Cheesman to enlist in Col. Van Schaick's or Gansevoort's regiments, provided no more than one enlist in the same company.

Resolved, That a copy of the examination of Samuel Herrin be sent to Brigr. Genl. George Clinton, and that he be requested to cause the persons therein mentioned to be apprehended.

Ordered, That Mr. Wisner be discharged from the committee to whom was referred the letter from Joseph Barton, at New-York, directed to Mr. Welen, and which Mr. Wisner delivered into Convention last night, and that Mr. Clarke and Mr. Gilbert Livingston be added to that committee.

The House then proceeded to the consideration of the plan of government.

The 8th paragraph was read. Mr. Morris, according to the notice by him given yesterday, moved that from and after the words "formerly did" to the end of the paragraph, be obliterated, and the following words there inserted, viz:

"And that a majority of the said members shall from time to time constitute a House sufficient to proceed upon business."

The same was read, and being again read, was agreed to.

The 8th paragraph, with the amendment, being read, was agreed to. Thereupon,

Ordered, That the said paragraph be amended accordingly.

Adjourned till afternoon.

THURSDAY AFTERNOON, *April* 17, 1777.

The Convention met pursuant to adjournment.

PRESENT—Colonel Van Cortlandt, *Vice-President.*

Genl. Scott, Mr. Bancker, Mr. Harper, Major Van Zandt, Mr. Dunscomb, Mr. Beekman—*New-York.*

Major Lawrence—*Queens.*

Mr. Harper, Mr. Newkerk—*Tryon.*

Major Landon, Capt. Schenk, Mr. R. R. Livingston, Mr. G. Livingston—*Dutchess.*

Mr. Cuyler, Mr. Abm. Yates, Mr. Robt. Yates, Mr. Gansevoort, Mr. Adgate—*Albany.*

Mr. Clarke, Mr. Wisner—*Orange.*

Colo. Williams, Mr. Webster—*Charlotte.*

Mr. Stevens—*Cumberland.*

Mr. Smith, Mr. Hobart, Mr. Tredwell—*Suffolk.*

Mr. Morris, Colo. Van Cortlandt, Mr. Mills, Judge Graham, Major Lockwood—*Westchester.*

Mr. Cantine, Major Tappen—*Ulster.*

An account of Capt. Theodorus Brett, for 4 months' and fourteen days' service, and nineteen weeks and one day billeting, in the employment of the committee for detecting conspiracies, &c. was read, and committed to Mr. Gansevoort, Judge Graham and Colo. De Witt.

The paragraph reported yesterday to be inserted in lieu of the 32nd paragraph, as reported by the committee of government, was again read, and the question being put thereon, it was agreed to *nem. con.* and ordered to be inserted in the said plan.

The report of the said committee of a paragraph to be inserted in lieu of the 3rd paragraph as it remained with the amendments of last evening, was read.

General Scott then moved, and was seconded by Mr. Dunscomb, that the following proviso be added to the ordinance for regulating the number of Representatives for each county, to wit:

"Provided always that the number of Representatives for each county which had a representation in the last sessions of General Assembly for the Colony of New-York, shall never be less than it was in such last sessions, and that the number of Representatives for each of the counties of Cumberland and Gloucester, shall not be less than two, notwithstanding any future erection of a county or counties out of the counties now existing within this State."

Debates arose thereon.

After some time spent therein, the question on the amendment was put, and carried in the negative, in manner following, to wit:

For the negative.		*For the affirmative.*	
Albany,	6	New-York,	8
Ulster,	4	Orange,	3
Westchester,	4		11
Colo. Drake dissenting.			
Dutchess,	5		
Charlotte,	2		
	21	Suffolk divided.	

The said paragraph was then read, and the question put thereon, it was carried in the affirmative, in manner following:

For the affirmative.		*For the negative.*	
Westchester,	4	New-York,	8
Col. Drake dissenting.			
Dutchess,	5		
Albany,	6		
Ulster,	4		
Suffolk,	4		
Orange,	3		
Charlotte,	2		
	28		

Thereupon,

Ordered, That the said paragraph be inserted in the plan of government, as the 3rd paragraph.

The paragraph reported by the said committee to be inserted in lieu of the 4th paragraph, was then read, and the question being put thereon, it was carried in the affirmative, in manner following, viz:

For the affirmative.		*For the negative.*	
Dutchess,	5	New-York,	8
Westchester,	4	Orange,	3
Colo. Drake dissenting.			11
Albany,	6		
Charlotte,	2		
Suffolk,	4		
Ulster,	4		
	25		

Thereupon,

Ordered, That the said paragraph be inserted in the plan of government as the 4th paragraph.

Mr. Morris moved, and was seconded, that the following paragraph be added to the plan of government, to wit:

"And whereas a regard to the rights of human nature and the principles of our holy religion, loudly call upon us to dispense the blessings of freedom to all mankind: and inasmuch as it would at present be productive of great dangers to liberate the slaves within this State: It is, therefore most earnestly recommended to the future Legislatures of the State of New-York, to take the most effectual measures consistent with the public safety, and the private property of individuals, for abolishing domestic slavery within the same, so that in future ages, every human being who breathes the air of this State, shall enjoy the privileges of a freeman."

The same being read, the consideration thereof was postponed until to-morrow.

The preamble of the plan of government was then read, and taken into consideration.

The question being put thereon, it was agreed to.

Resolved, That the acts and proceedings of the several committees from time to time appointed within the Colony of New-York and this State by the several Provincial Congresses of the said Colony, or by their Convention, be, and they hereby are ratified and confirmed.

Adjourned till to-morrow morning.

FRIDAY MORNING,

April 18, 1777.

The Convention met pursuant to adjournment.

Present—Mr. Bancker, Major Van Zandt, Mr. Dunscomb, Mr. Harper, Capt. Rutgers, Mr. Beekman, Genl. Scott—*New-York.*

Major Lawrence—*Queens.*

Mr. Harper, Mr. Newkerk—*Tryon.*

Mr. G. Livingston, Capt. Schenk, Major Landon, Mr. R. R. Livingston—*Dutchess.*

Mr. Abm. Yates, Mr. Bleecker, Mr. Adgate, Mr. Robert Yates, Mr. Gansevoort, Mr. Cuyler—*Albany.*

Mr. Wisner, Mr. Clarke—*Orange.*

Mr. Webster, Colo. Williams—*Charlotte.*

Mr. Stevens—*Cumberland.*

Mr. Smith, Mr. Hobart, Mr. Tredwell, Mr. Miller—*Suffolk.*

Judge Graham, Major Lockwood, Colo. Drake, Mr. Morris—*Westchester.*

Major Tappen, Colo. De Witt—*Ulster.*

Colonel Van Cortlandt, the Vice-President, being absent, Mr. Gansevoort was elected President *pro tempore*, and accordingly took the chair.

A letter from Hugh Hughes, deputy quarter-master-general, dated the 9th instant, accompanying an exemption for a number of workmen at Sterling iron works from military duty, was read.

Ordered, That the said letter and petition be committed to Mr. Wisner, Mr. Robert R. Livingston and Colo. De Witt.

The affidavits of Capt. William Leonard, Oliver Mildeberger and Philip Staats, and a certificate of Doct. Ananias Cooper, all declaring Christopher Fiegenheim, (who is drafted for the militia,) incapable of serving in the militia, by reason of a complaint in his back, were read.

Resolved, That it be recommended to Colo. Graham to inquire into the truth of the affidavits and certificate produced to this Convention by Christopher Fiegenheim, relative to his inability to serve in the militia, and if they should appear to him to be just and true, to grant him a discharge.

The committee to whom was referred Governor Trumbull's letter of the 1st inst. with the enclosures, reported a draft of a letter in answer thereto, which was read, agreed to, and ordered to be transmitted. Also, a draft of a letter to Congress, on the same subject, to wit, relative to the persons belonging to this State permitted by Governor Trumbull to go to New-York on parol. The said letter was likewise read and approved, and ordered to be transmitted; which said letters are as follows, viz:

"Sir—Your Excellency's letter of the 1st April instant, has been laid before the Convention. As the several prisoners referred to in it were subjects of this State, and removed to Connecticut for no other purpose than that they might be kept safe, the Convention wish their advice had been obtained previous to their being permitted to return to New-York. Parols of honour have been so often and so shamefully violated by men of the like character with them, that little room was left for confidence. Besides, the Convention had it ever in view to detain those persons as hostages for the good treatment of such of their friends as might from time to time be in the enemy's power, and to retaliate on the former whatever severities might be exercised towards the latter.

"Some gentlemen of this State, who have uniformly distinguished themselves by a zealous attachment to the American cause, are now close prisoners in the city of New-York, and the Convention are desirous either of obtaining their exchange, or retaliating their injuries.

"The disaffected, or rather the rebels, throughout America, have hitherto been treated with a degree of indulgence which neither the regard due to the country nor their merits can justify. Without vigour, firmness and decision, few revolutions succeed.

"The Convention beg the favour of your Excellency to cause the several prisoners belonging to this State, and now on parol in New-York, to return; and if their further residence in Connecticut should be disagreeable, the Convention will provide for their accommodation in this State.

"His Excellency Governor Trumbull."

"*April* 18, 1777.

"Sir—By order of the Convention of this State, I have the honour of transmitting to you the enclosed papers, containing their proceedings on the resolution of the Honourable the General Congress, relative to the exchange of Mr.

Jauncey, Junr. for Major West, which the Convention continue their endeavours to accomplish. Be pleased to read the enclosed papers in the order in which they are numbered.

"I have the honour to be, &c.

"To the Honourable JOHN HANCOCK, Prest. &c."

A letter from John Dumont, Esquire, chairman of the committee of Kingston, relative to a suspected person who was conveyed from this place to Sagerties by Jan Freer, was read.

Ordered, That the said letter be referred to Colo. De Witt, Major Tappen, Mr. Abram. Yates and Mr. Cuyler, and that they be directed to use the best means in their power to cause the said suspected person to be apprehended.

A petition of David Hobby, Jona. Horton and Cornelius Stienrods, late captains in Colo. McDougall's and Ritzma's regiments, relative to pay still due to them and their companies, was read.

Ordered, That they apply to the Paymaster-General.

The committee to whom was referred the account of Capt. Charles Sprainger, master of the brigantine Mary, reported as follows, to wit:

"That the said brigantine is the property of Joseph Towers and David Henry Mallows, now or late both in New-York.

"That the said Charles Sprainger is and has been captain of the said brigantine since she was launched, and that he has an account against the said brigantine for wages and disbursements for the use of the said brigantine, after giving credit for cash received for sundries taken from on board her for the public use, amounting to the sum of £94 18*s*. 9*d*.

"That the said brigantine is a good, new vessel, and cannot now be sold for her value. Therefore,

"*Resolved*, That the said Charles Sprainger be at liberty to remain on board and keep charge of the said brigantine; that he have a claim against her for what may be justly due to him; and that she be securely moored in the Roundout creek."

The said report being read, was agreed to.

A letter from John Barclay, Esquire, chairman of the committee of Albany, dated March 25, 1777, enclosing the copy of a letter from Mr. John Gamble, an inhabitant of the city of Albany, praying leave to make application to the Convention to repair to New-York, were respectively read; and thereupon,

Resolved, That the committee of Albany and Mr. Gamble be informed that as Mr. Gamble is in the service of the King of Great Britain, this Convention are ready and willing to exchange him agreeably to his rank.

FRIDAY AFTERNOON, *April* 18, 1777.

The Convention met pursuant to adjournment.

PRESENT—Leonard Gansevoort, Esquire, *Prest. pro tem.*

Genl. Scott, Mr. Bancker, Mr. Dunscomb, Capt. Rutgers, Mr. Beekman, Mr. Harper, Major Van Zandt—*New-York.*

Mr. Harper, Mr. Newkerk—*Tryon.*

Major Tappen, Col. De Witt—*Ulster.*

Mr. R. R. Livingston, Capt. Schenk, Mr. Gilbert Livingston, Major Landon—*Dutchess.*

Mr. Gansevoort, Mr. Abm. Yates, Mr. Cuyler, Mr. Bleecker, Mr. Adgate, Mr. Robt. Yates—*Albany.*

Mr. Wisner, Mr. Clarke—*Orange.*

Mr. Webster, Colo. Williams—*Charlotte.*

Major Lawrence—*Queens.*

Mr. Smith, Mr. Tredwell, Mr. Miller, Mr. Hobart—*Suffolk.*

Judge Graham, Colo. Drake, Major Lockwood—*Westchester.*

Mr. Stevens—*Cumberland.*

The petition of Matthew Goes, Junr. and Dirck Gardinier, prisoners on parol at Hurley, praying to be permitted to go to and remain at their respective places of abode, on parol, was read.

Ordered, That the same lie on the table.

Mr. William Harper, seconded by Colo. Drake, moved, that all such disaffected persons as have violated their parols, and departed from the places assigned for their residence, or, being confined, have escaped from their confinement, be directed to be apprehended, and secured in the jail nearest to the respective place of abode of such persons respectively, until further order of this Convention.

Debates arose, and the question being put thereon, it was carried in the negative.

A pay abstract of Capt. Ebenezer Woodhull's company of lighthorse, from Cornwall, in Orange county, in the State of New-York, in General George Clinton's brigade, in the service of the United States of America, commencing the 16th day of July, 1776, and ending the 13th day of January, 1777, both days included, containing the names of the persons of that company, who had been in service, and the number of days each person respectively had served, whereby there is charged in the whole, one thousand seven hundred and twenty-one days' service, was exhibited.

Thereto is annexed a certificate of Brigadier-General George Clinton, dated the 15th day of January last, that he had carefully examined the said pay abstract of Capt. Ebenezer Woodhull's company of Orange lighthorse, with respect to the number of days which they are therein mentioned to have served, and does not discover any mistake or error; and he thereby further certifies, that whenever any of the said company were relieved by others, the days spent in travelling, by means of such relief, are not included in the above abstract, it being for their own ease and conveniency.

An establishment for the pay of the lighthorse, in Continental service, being unknown to this Convention, and Capt. Ebenezer Woodhull's company being much in want of their pay, for their service last summer in the Continental army, to support them in further service, to which they are now called by General George Clinton:

Ordered, That the Treasurer of this State advance to Capt. Ebenezer Woodhull the sum of one thousand dollars, exclusive of the sum of five hundred dollars ordered to be paid to him, by the order of the Committee of Safety, on the ninth day of January last.

A petition of Stephen Wood, one of the disaffected persons now confined in Kingston jail; and a petition of Benjamin Smith, another of the said disaffected persons, both lately apprehended by Major Wisner, on their way to the enemy, or places in their power, were read. They pray for their discharges.

Ordered, That the said petitions be referred to the committee appointed by this Convention to hear and examine the prisoners brought to Kingston jail by Major Wisner.

On motion of Mr. Morris, seconded by Mr. Wisner,

Ordered, That a committee be appointed to examine and consider the proceedings of a court martial in the respective cases of Devine and Knapp of Orange county.

Ordered, That Mr. Tredwell, Major Lawrence and Mr. Gilbert Livingston be a committee for that purpose.

A letter from Colonel Robert Van Rensselaer, dated the 16th of April instant, directed to Leonard Gansevoort, Esquire, (now President *pro tempore*,) was read, and follows, viz:

"DEAR SIR—Upon my arrival home, I found a letter from the chairman of the county committee, requesting the assistance of our militia to quell an insurrection of the tories in Ballstown, and upon inquiry found that the same spirit prevailed much in my regiment, to such a degree that it appears numbers have enlisted, and have taken an oath of secrecy and allegiance to the King of Great Britain, and that a regiment of royal volunteers is to be raised in the county of Albany, under the command of J. Huetson, as will appear by the enclosed; in consequence of which we have not complied with the request of the chairman. Seventeen of the villains are now in confinement, and by

the vigilance of our committee, and militia officers, hope soon to detect the whole, and transmit to the Convention the proof that shall be collected.

"I am, dear sir, in great haste,

"Yours,

(Signed,) "ROBT. VAN RENSSELAER.

"*April* 16, 1777."

The copy of the terms of enlistment for the battalion of loyal volunteers raising for the enemy's service in the county of Albany, under J. Huetson, colonel commandant, together with copies of the oaths taken by such volunteers, were read.

Convention took the same into consideration; and thereupon,

Resolved, That a copy of the affidavits received from the committee of Albany, and the information received from Colo. Van Rensselaer, be transmitted to the commanding officer of the militia at Albany, and that he be requested immediately to call a court martial for the trial of the criminals; and that the committee of the county of Albany be requested to afford them every assistance in their power in preparing and collecting the proofs.

Resolved, That the commissioners at Poughkeepsie, appointed to detect and defeat all conspiracies, &c. be requested to transmit the names, and direct the delivery of such prisoners as are confined in the counties of Ulster, Orange or Dutchess, as come within the resolutions of the first and seventeenth days of April, to General George Clinton, together with the proofs against the criminals; and that General Clinton be requested to institute a court martial for their trial.

Resolved, That a discretionary power be given to the said commissioners to pardon or dismiss such of the persons now in confinement, as they conceive may safely be admitted to go at large; and that Mr. Abraham Yates and Colonel Williams be a committee to draw a letter to the commissioners.

Mr. Yates immediately reported a draft of such letter, which is in the words following, to wit:

"GENTLEMEN—By the enclosed resolutions of Convention, you have a discretionary power to pardon and dismiss such of the prisoners now in confinement, as you conceive may with safety go at large. I am directed to acquaint you, that if among the prisoners there be any young men whose principles may not, in your opinion, be so inimical to our cause as to render them dangerous, you will use your influence to get them to enlist in one of the five regiments of this State, and that you take care not to suffer too many of them to enlist in one regiment.

"I am, yours, &c.

"To the Commissioners, &c."

The same being read, was approved and ordered to be transmitted.

The House proceeded to the consideration of Mr. Morris's motion of last evening, with respect to the abolishing of domestic slavery, and which was postponed until to-day.

The same being read, debates arose; whereupon the same was again read, without the preamble; and the question being put thereon, it was carried in the affirmative, in manner following, to wit:

For the affirmative.		*For the negative.*	
Albany,	6	New-York,	8
Dutchess,	5		
Suffolk,	4		
Orange,	3		
Westchester,	4	[Colo. De Witt having left the House before this matter came on, Ulster had no vote for want of a quorum.]	
Charlotte,	2		
	24		

The preamble to the said motion was then read, and the consideration thereof postponed until to-morrow.

SATURDAY MORNING,

April 19, 1777.

The Convention met pursuant to adjournment.

PRESENT—Leonard Gansevoort, Esq. *Pres. pro. tem.*

Capt. Rutgers, Mr. Harper, Mr. Dunscomb, Mr. Bancker, Major Van Zandt, Genl. Scott—*New-York.*

Major Lawrence—*Queens.*

Mr. Harper, Mr. Newkerk—*Tryon.*

Major. Tappen, Colo. De Witt, Mr. Cantine—*Ulster.*

Mr. Gansevoort, Mr. Cuyler, Mr. Adgate, Mr. Abm. Yates, Mr. Bleecker—*Albany.*

Mr. Clarke, Mr. Wisner—*Orange.*

Colo. Williams, Maj. Webster—*Charlotte.*

Mr. R. R. Livingston, Major Landon, Mr. G. Livingston, Capt. John Schenk—*Dutchess.*

Mr. Smith, Mr. Hobart, Mr. Tredwell, Mr. Miller—*Suffolk.*

Judge Graham, Mr. Morris, Colo. Drake, Major Lockwood—*Westchester.*

Mr. Stevens—*Cumberland.*

A petition of Alexander Cruikshank and John Cumming, praying for a reëxamination of any witnesses who may have testified against them, or that they may be removed to the fort at Albany as their place of confinement.

Ordered, That the said petition be referred to Major Tappen, Major Lawrence and Mr. Cuyler.

Colo. De Witt requested a pass for Matthew Goes, Junr. and Dirck Gardinier, to go to Poughkeepsie to the commissioners appointed for the detecting of conspiracies, &c. in this State.

Ordered, That the above application be referred to the committee above named.

The preamble to the resolution postponed yesterday evening, was read.

Mr. Morris moved that the said preamble be obliterated, and the following inserted in its stead, viz:

"Inasmuch as it would be highly inexpedient to proceed to the liberating of slaves within this State, in the present situation thereof."

Debates arose thereon; and the question being put thereon, it was carried in the affirmative in manner following, viz:

For the affirmative.		*For the negative.*	
Orange,	3	New-York,	8
Albany,	6	Ulster,	4
Suffolk,	4		12
Charlotte,	2		
Westchester,	4		
Col. Drake dissenting.			
Dutchess,	5		
	—24		

The question put on the preamble was carried as above.

The preamble and paragraph being read together for the question.

Mr. Robert R. Livingston moved, and was seconded, for the previous question, to wit: whether the question on the paragraph shall be now put? The previous question being put, was carried in the affirmative, in manner following, viz:

Against the previous question.		*For the previous question.*	
Charlotte,	2	New-York,	8
Orange,	3	Dutchess,	5
	5	Westchester,	4
		Mr. Morris dissenting.	
		Suffolk,	4
		Ulster,	4
		Albany,	6
		Mr. Adgate and Mr. Bleecker dissenting.	—31

Mr. Abraham Yates, from the committee appointed to report a plan for organizing the form of government, by direction of that committee, moved, and was seconded by Mr. Morris, that between the 25th and 26th paragraphs as reported, the following paragraph be inserted, viz:

"*And be it further ordained*, That the register and clerk in chancery, be appointed by the chancellor; the clerks of the supreme court, by the judges of the said court; the

clerks of the court of probates, by the judge of the said court; and the register and marshal of the court of admiralty, by the judge of admiralty; the said marshal, registers and clerks, to continue in office during the pleasure of those by whom they are to be appointed as aforesaid."

The same being read a second time, was agreed to, and ordered to be inserted in the said plan of government.

Mr. Robert R. Livingston then moved, and was seconded by Mr. Morris, that the two following paragraphs be agreed to and inserted in the said form of government, viz:

"And that all attorneys, solicitors and counsellors at law hereafter to be appointed, be appointed by the court and licensed by the first judge of the court in which they shall respectively plead or practise, and be regulated by the rules and orders of the said courts.

"*And be it further ordained*, That where, by this constitution, the duration of any office shall not be ascertained, such office shall be construed to be held during the pleasure of the council of appointment, provided that new commissions shall be issued to judges of the county courts (other than to the first judge,) and to justices of the peace, once at least in every three years."

The said two paragraphs being separately read, and the question put on each of them respectively, the said paragraphs were respectively agreed to, and ordered to be inserted in the form of government.

Mr. Robt. R. Livingston, pursuant to a notice by him given yesterday, moved, and was seconded by General Scott, that the 22d paragraph, as now in the form of government, be reconsidered.

The question being put thereon, was agreed to.

Mr. Livingston then moved, and was seconded, that the words "together with the Speaker of the Assembly for the time being," be obliterated.

The question being put thereon by ayes and noes, was carried in the affirmative.

Therefore, by order, those words were obliterated.

The said paragraph as amended, was then read. Mr. Hobart then moved, and was seconded by Mr. Tredwell, that the words "openly nominate and appoint," be obliterated, and the words "elect by ballot," there substituted.

The question being put thereon, was carried in the negative, and therefore rejected.

Mr. Wisner moved, and was seconded by General Scott, that the words "that one member of the Assembly to be annually elected," be added to the Council for the nomination of officers.

The question being put thereon, it was carried in the negative, in the manner following, viz:

For the affirmative.		*For the negative.*	
Suffolk,	4	Ulster,	4
Albany,	6	Westchester,	4
Messrs. Gansevoort and Cuyler dissenting.		Maj. Lockwood dissenting.	
Orange,	3	Charlotte,	2
		New-York,	8
		Dutchess,	5
	13		—23

Therefore the said motion was rejected.

Mr. R. R. Livingston moved, and was seconded by Mr. Morris, that after the words "shall be president and have a," the following words be inserted, viz: "vote, and upon an equal division his shall be considered as the," and that the words "but no other vote," be obliterated, so that the lines would read thus, viz: "When they shall respectively administer the government, shall be president and have a vote, and upon an equal division, his shall be considered as the casting voice."

Debates arose thereon. After some time spent therein, the question was put thereon and carried in the negative, in the manner following, to wit:

For the negative.		*For the affirmative.*	
Suffolk,	4	Dutchess,	5
Mr. Hobart dissenting.		Westchester,	4
Orange,	3	Maj. Lockwood dissenting.	
Ulster,	4	Albany,	6
New-York,	8	Mr. Abraham Yates dissenting.	
Charlotte,	2		
	—21		15

Therefore the amendment was rejected.

Mr. Morris moved, and was seconded, that the words "and consent" be obliterated; and with the intent that the Governor may appoint as he pleases against the advice of the Council, and appeal to the people.

The question being put thereon it was carried in the negative, as follows, viz:

For the negative.			
Suffolk,	4	Ulster,	4
Orange,	3	Dutchess,	5
Charlotte,	2		
New-York,	8		32
Albany,	6	Westchester divided.	

The said paragraph being again read, Mr. Tredwell moved, and was seconded by Mr. William Harper, "that the Assembly appoint the Council for the appointment of officers out of their own body and not out of the Senate." The question being put thereon, it was carried in the negative, as follows:

For the negative.		*For the affirmative.*	
Westchester,	4	Charlotte,	2
Ulster,	4		
Dutchess,	5		
Suffolk,	4		
Mr. Tredwell dissenting.			
Albany,	6		
New-York,	8		
Mr. Harper dissenting.			
Orange,	3		
	34		

Therefore Mr. Tredwell's proposed amendment was rejected.

The question was then put on the 22nd paragraph, and agreed to.

Die Sabbati, 4 *ho. P. M. April* 19, 1777.

The Convention met pursuant to adjournment.

Present—Leonard Gansevoort, Esq. *President pro tem.*

Genl. Scott, Major Van Zandt, Mr. Bancker, Mr. Dunscomb, Mr. Harper—*New-York.*

Mr. W. Harper, Mr. Newkerk—*Tryon.*

Col. De Witt, Major Tappen—*Ulster.*

Mr. Gansevoort, Colo. Livingston, Mr. Cuyler, Mr. Jno. Ten Broeck, Mr. Adgate, Mr. Bleecker—*Albany.*

Mr. R. R. Livingston, Mr. G. Livingston, Capt. John Schenk, Major Landon—*Dutchess.*

Major Webster, Colo. Williams—*Charlotte.*

Mr. W. Smith, Mr. Hobart, Mr. Tredwell, Mr. Miller—*Suffolk.*

Judge Graham, Mr. Morris, Colo. Drake, Major Lockwood—*Westchester.*

Mr. Stevens—*Cumberland.*

A letter from the committee of Albany, dated the 17th inst. relative to disaffected persons in that county, was read, and follows, to wit:

"Gent.—Since our last of the 8th instant, wherein we have in some measure pointed out our intricate situation, we are under the necessity to offer our farther thoughts on the present perplexing times, since the aforesaid representation. We have our jails crowded in such a manner as not to admit of any additional prisoners being sent to us, though conscious that the numbers who have engaged in this county in direct opposition to our cause, we judge to be nearly one-half in some districts, and in others not so much. It is true Convention have passed a resolve of the first instant for certain crimes therein mentioned, but as the greatest number now confined in jail we conceive do not directly come under that resolve, therefore beg your speedy advice how to proceed with persons who have taken an oath of secrecy not to divulge the matters entrusted to them; but by several who have confessed, we learn that they engage to remain neutral until the arrival of the enemy in our county, at which time, if requested by the enemy, they have engaged to take up arms against us to preserve their estates. The promoters or heads we conceive come under the aforesaid resolve, but those chiefs we have not as yet been able to apprehend.

"The trouble we are under in guarding the above mentioned prisoners; the apprehensions, should any of them escape, might be attended with dangerous consequences, and poison the minds of others who are wavering in their principles, induces us to request that some method may be pointed out by the Convention how we are to proceed with those who do not come under your last resolve; for it has already been observed that if the Convention and committees grant any further indulgence in suffering them to go at large, our friends do not scruple to say, that they had better give up the cause, than to be daily perplexed in reapprehending disaffected persons who are treated with such great lenity. They also say, that under the aforesaid circumstances, it is more easy and beneficial in being a tory than a whig, because the tories are permitted to remain at ease if they choose it; whereas our friends are daily called and commanded, under the strictest injunctions, into the field on some alarm or other; others of our friends have asserted if again commanded to reapprehend such persons as have been before confined for their inimical principles, they will save the committees and Convention the trouble of judging them; and we assure you as a fact, that should it again happen, blood will be spilt on the occasion. As such proceedings should be guarded against as much as possible, the matters now referred to you call for your immediate interposition, and to point out a mode to relieve us from these more than pests to human society.

"It is with regret we are to inform you that the late proceedings of Convention appointing commissioners ordering before them such persons as were therein mentioned, have been attended with bad consequences; as the persons who have attended from this quarter on the commissioners do not scruple to say, since their return, that the Legislature of the State seem to be timorous to proceed against them, and by their returning in the manner they have done, they have gained, we suppose, a number of proselytes.

"We request your serious attention on this important head, and immediate direction how to proceed with those who have heretofore been sent into a neighbouring State, and are returned on parole. Some of these are the principals, who have art and cunning to seduce the country; these are the men we should be absolutely rid of; these are the emissaries of our open enemies, who are the source of all the present disaffection. For further particulars respecting the above matters we refer you to the bearers, John Ten Broeck and John Younglove, Esquires, by whom we expect your answer.

"We are, gent. your most humble servt.
"By order,
(Signed) "JOHN BARCLAY, *Chairman.*

"N. B. It is requested that Mr. Ten Broeck may return to this place as soon as Convention have prepared their answer. His family is in such a situation, that it is with difficulty we have been able to prevail on him to be the bearer hereof.

"To the Honble. the Convention of
this State, at Kingston."

Ordered, That the aforesaid letter be committed to Mr. Hobart, Mr. Cuyler, Genl. Scott, Mr. Ten Broeck and Mr. Treadwell.

The form of government was then read.

Sergeant McKinney, with a guard of Colo. Van Cortlandt's regiment, brought to Convention by order of General McDougall, a certain Thomas Hedding, charged with counterfeiting the Continental currency, and that of Massachusetts Bay.

Ordered, That the keeper of the jail of Ulster county, at Kingston, do receive and keep in close custody Thomas Hedding, charged with counterfeiting Continental currency, until further orders of this Convention or due course of law.

Ordered, That Major Tappen and Mr. Cuyler, be a committee to take the examination of the witnesses relative to the charge against the said Hedding; and that they report the same.

The form of government was read.

On reading the paragraph, General Scott moved that the word "and" between the words "law of the land" and the words "judgment of his peers" be changed to "or," which was agreed to, and amended accordingly.

SUNDAY MORNING,
April 20, 1777.

The Convention met pursuant to adjournment.

PRESENT—Leonard Gansevoort, Esq. *Prest. pro. tem.*

Major Van Zandt, Mr. Dunscomb, Capt. Rutgers, Mr. Harper, Mr. Bancker, Mr. Beekman, Genl. Scott—*New-York.*

Col. Williams, Major Williams—*Charlotte.*

Mr. Gansevoort, Mr. Abm. Yates, Mr. Adgate, Mr. Bleecker, Mr. Ten Broeck, Col. Livingston—*Albany.*

Colo. Allison, Mr. Clarke, Mr. Wisner—*Orange.*

Mr. Smith, Mr. Hobart, Mr. Tredwell, Mr. Miller—*Suffolk.*

Judge Graham, Major Lockwood, Colo. Drake, Mr. Morris—*Westchester.*

Mr. Stevens—*Cumberland.*

Major Tappen—*Ulster.*

Mr. Harper—*Tryon.*

Major Landon, Capt. Schenk, Mr. G. Livingston, Mr. R. R. Livingston—*Dutchess.*

A letter from Hugh Hughes, deputy quarter-master-general, dated the 19th instant, directed to General Scott, and requesting the use of the farm of Beverly Robinson, Junr. for the Continental service, was read, and committed to General Scott and Colonel Drake.

The whole plan of government being read through, Mr. Hobart objected to that part of the second paragraph, which directed bills refused by the council of revision to be returned only to the Senate. After some time spent therein, Mr. Hobart moved, and was seconded, that after the words "in writing to the Senate" the words "or House of Assembly, in which soever the same shall have originated" be added. That after the words "two-thirds of the" the words "Senators present" be obliterated, and the words "said Senate or House of Assembly" be substituted. That after the words "objections be sent" the words "down to the Assembly" be obliterated, and the words "to the other branch of the Legislature" be substituted.

The question being put thereon, the motion was agreed to.

Mr. Abraham Yates gave notice that he will to-morrow move to reconsider the fifth paragraph relating to elections by ballot; that the same be established for ever after the expiration of the present war.

On motion of Mr. Tredwell, who was seconded, the word "general," in the end of the second paragraph, before the word "Assembly," was obliterated.

On reading the third paragraph, on motion, agreed to.

Ordered, That the words "to the Senate," and the words "to the Council," and also the words "to the Senate" after the word "returned," be obliterated.

On reading the fifth paragraph it was moved and agreed to unanimously, that the Convention will dispense with the rule of a day's notice, in the case of the notice given by Mr. Yates, to reconsider the balloting clause.

Thereupon, Mr. Yates, with leave, moved and was seconded by General Scott and Mr. Tredwell, that the Convention reconsider the said fifth paragraph, and assigned his reasons. The question being put thereon, it was carried in the affirmative in manner following, viz:

For the affirmative.		*For the negative.*	
New-York,	8	Dutchess,	5
Mr. Rutgers and Mr. Dunscomb dissenting.		Westchester,	4
Suffolk,	4		9
Mr. Hobart dissenting.			
Orange,	3		
Charlotte,	2—17	Albany divided.	

Mr. Yates then moved, and was seconded, for the following amendments, to wit:

That the words "to the end therefore that a fair experiment be made which of those two methods of voting is to be preferred;" and that that part of the paragraph which begins with the words "And whereas it is possible, &c." as far as the words "respectively shall concur therein," inclusive, be obliterated, and the paragraph left as it reads without those parts of the paragraph.

Debates arose thereon. After much time spent therein, Mr. R. R. Livingston moved, and was seconded by Mr. Morris, for the previous question, to wit: whether the question on Mr. Yates's motion shall be now put.

Debates arose thereon, and the question being put, whether the question on Mr. Yates's motion, shall be now put, it was carried for the previous question, viz:

For the previous question.		*Against the previous question.*	
Dutchess,	5	New-York,	8
Westchester,	4	Mr. Rutgers and Mr. Dunscomb dissenting.	
Albany,	6	Suffolk,	4
Mr. Abm. Yates and Mr. Adgate dissenting.		Mr. Hobart dissenting.	
Orange,	3		
	18		12

The previous question being carried, therefore the question on Mr. Yates's motion could not be put.

On motion made, seconded and agreed to, the words "to the same," after the word "objections," were obliterated, and the word "thereto" substituted; and after the word "Senate," the words "or House of Assembly, in whichsoever the same shall have originated;" and after the words "two-thirds of the Senators present," were obliterated, and the words "said Senate or House of Assembly" were substituted. In the latter part of the sentence the words "down to the General Assembly," were obliterated, and the words "to the other branch of the Legislature," were substituted.

In the last sentence of the paragraph, the words "to the Senate," after the word "Council," and the words "to the Council," after the word "presented," and the words "to the Senate," after the word "returned," were obliterated.

DIE SOLIS, 6 *ho. P. M. April* 20, 1777.

The Convention met pursuant to adjournment.

PRESENT—Leonard Gansevoort, Esq. *Prest. pro tem.*

Genl. Scott, Mr. Bancker, Major Van Zandt, Mr. Dunscomb, Mr. Harper, Mr. Beekman, Capt. Rutgers—*New-York.*

Mr. Harper—*Tryon.*

Major Tappen—*Ulster.*

Major Landon, Mr. R. R. Livingston, Capt. Schenck, Mr. G. Livingston—*Dutchess.*

Mr. Gansevoort, Mr. Ten Broeck, Mr. Cuyler, Mr. Abm. Yates, Mr. Bleecker, Colo. Livingston—*Albany.*

Mr. Wisner, Mr. Clarke, Colo. Allison—*Orange.*

Mr. Smith, Mr. Tredwell, Mr. Miller, Mr. Hobart—*Suffolk.*

Mr. Morris, Colo. Drake, Judge Graham, Major Lockwood—*Westchester.*

Colo. Williams, Major Webster—*Charlotte.*

Mr. Stephens—*Cumberland.*

The constitution, or plan of government of this State, as amended, was read throughout, and such amendments as being proposed were unanimously agreed to without debate by every member present; and the general question being put thereon, it was agreed to by every member present, except Colo. Peter R. Livingston, who desired that his dissent thereto be entered on the minutes.

The said constitution, or plan of government, as agreed to, is as follows, viz:

"WHEREAS the many tyranical and oppressive usurpations of the King and Parliament of Great Britain, on the rights and liberties of the people of the American Colonies, had reduced them to the necessity of introducing a government by Congresses and Committees, as temporary expedients, and to exist no longer than the grievances of the people should remain without redress: AND WHEREAS the Congress of the Colony of New-York did, on the thirty-first day of May now last past, resolve as follows, viz:

"'WHEREAS the present government of this Colony, by Congress and Committees, was instituted while the former government, under the crown of Great Britain, existed in full force, and was established for the sole purpose of opposing the usurpation of the British Parliament, and was intended to expire on a reconciliation with Great Britain, which, it was then apprehended, would soon take place, but is now considered as remote and uncertain: AND WHEREAS many and great inconveniences attend the said mode of government by Congress and Committees, as of necessity, in many instances, legislative, judicial and executive powers have been vested therein, especially since the dissolution of the former government by the abdication of the late Governor, and the exclusion of this Colony from the protection of the King of Great Britain:

"'AND WHEREAS the Continental Congress did resolve as followeth, to wit:

"'WHEREAS his Britanic Majesty, in conjunction with the Lords and Commons of Great Britain, has, by a late act of Parliament, excluded the inhabitants of these United Colonies from the protection of his Crown: AND WHEREAS no answers, whatever, to the humble petition of the Colonies for redress of grievances and reconciliation with Great Britain, has been, or is likely to be given; but the whole force of that Kingdom, aided by foreign mercenaries, is to be exerted for the destruction of the good people of these Colonies: AND WHEREAS, it appears absolutely irreconcilable to reason and good conscience, for the people of these Colonies, *now* to take the oaths and affirmations necessary for the support of any government under the Crown of Great Britain; and it is necessary that the exercise of every kind of authority under the said Crown should be totally suppressed, and all the powers of government exerted under the authority of the people of the Colonies, for the preservation of internal peace, virtue and good order, as well as for the defence of our lives, liberties and properties, against the hostile invasions, and cruel depredations of our enemies.

"'*Resolved*, therefore, That it be recommended to the respective Assemblies and Conventions of the United Colonies, where no government sufficient to the exigencies of their affairs has been hitherto established, to adopt such government as shall, in the opinion of the representatives of the people, best conduce to the happiness and safety of their constituents in particular, and America in general.'

"AND WHEREAS, doubts have arisen whether this Congress are invested with sufficient power and authority to deliberate and determine on so important a subject as the necessity of erecting and constituting a new form of government and internal police, to the exclusion of all foreign jurisdiction, dominion and control, whatever: AND WHEREAS it appertains of right solely to the people of this Colony to determine the said doubts; therefore,

"*Resolved*, That it be recommended to the electors in the several counties in this Colony, by election in the manner and form prescribed for the election of the present Congress, either to authorize (in addition to the powers vested in this Congress,) their present deputies, or others in the stead of their present deputies, or either of them, to take into consideration the necessity and propriety of instituting such new government, as in and by the said resolution of the Continental Congress is described and recommended. And if the majority of the counties, by their Deputies in Provincial Congress, shall be of opinion that such new government ought to be instituted and established, then to institute and establish such a government as they shall deem best calculated to secure the rights, liberties and happiness of the good people of this Colony; and to continue in force until a future peace with Great Britain shall tender the same unnecessary. And

"'*Resolved,* That the said elections in the several counties, ought to be had on such day, and at such place or places, as by the committee of each county respectively shall be determined. And it is recommended to the said committees, to fix such early days for the said elections, as that all the deputies to be elected have sufficient time to repair to the city of New-York by the second Monday in July next; on which day, all the said deputies ought punctually to give their attendance.

"'And whereas the object of the aforegoing resolutions is of the utmost importance to the good people of this Colony:

"'*Resolved,* That it be, and it is hereby earnestly recommended to the committees, freeholders and other electors in the different counties in this Colony, diligently to carry the same into execution.'

"And whereas the good people of the said Colony, in pursuance of the said resolution, and reposing special trust and confidence in the members of this Convention, have appointed, authorized and empowered them for the purposes, and in the manner, and with the powers in and by the said resolve specified, declared and mentioned:

"And whereas the Delegates to the United American States in General Congress convened, did, on the fourth day of July, now last past, solemnly publish and declare, in the words following, viz:

'When in the course of human events it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind, requires that they should declare the causes which impel them to the separation.

'We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate, that governments long established should not be changed for light and transient causes; and accordingly, all experience has shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of the Colonies; and such is now the necessity which constrains them to alter their former system of government. The history of the present King of Great Britain, is a history of repeated injuries and usurpations, all having in direct object, the establishment of an absolute tyranny over these States. To prove this, let facts be submitted to a candid world.

'He has refused his assent to laws the most wholesome and necessary for the public good:

'He has forbidden his Governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained: and when so suspended, he has utterly neglected to attend to them:

'He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the Legislature; a right inestimable to them, and formidable to tyrants only:

'He has called together Legislative bodies, at places unusual, uncomfortable and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures:

'He has dissolved Representative Houses repeatedly, for opposing with manly firmness, his invasions on the rights of the people:

'He has refused for a long time after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of annihilation, have returned to the people at large for their exercise: the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within:

'He has endeavoured to prevent the population of these States; for that purpose obstructing the laws for naturalization of foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new appropriations of lands:

'He has obstructed the administration of justice by refusing his assent to laws for establishing judiciary powers:

'He has made judges dependent on his will alone for the tenure of their offices, and the amount and payment of their salaries:

'He has erected a multitude of new offices, and sent hither swarms of officers to harass our people, and eat out their substance:

'He has kept among us, in times of peace, standing armies, without the consent of our Legislatures:

'He has affected to render the military independent of, and superior to, the civil power:

'He has combined with others to subject us to a jurisdiction foreign to our Constitution, and unacknowledged by our laws; giving his assent to their acts of pretended Legislation:

'For quartering large bodies of troops among us:

'For protecting them by a mock trial from punishment for any murders which they should commit on the inhabitants of these States:

'For cutting off our trade with all parts of the world:

'For imposing taxes on us without our consent:

'For depriving us, in many cases, of the benefit of trial by jury:

'For transporting us beyond seas to be tried for pretended offences:

'For abolishing the free system of English laws in a neighbouring Province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:

'For taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments:

'For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever:

'He has abdicated government here, by declaring us out of his protection, and waging war against us:

'He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people:

'He is, at this time, transporting large armies of foreign mercenaries to complete the works of death, desolation and tyranny, already begun with circumstances of cruelty and perfidy, scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation:

'He has constrained our fellow citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands:

'He has excited domestic insurrections among us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes and conditions.

'In every stage of these oppressions we have petitioned for redress in the most humble terms: our repeated peti-

tions have been answered only by repeated injury. A prince whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

'Nor have we been wanting in attentions to our British brethern. We have warned them, from time to time, of attempts by their Legislature to extend an unwarrantable jurisdiction over us! We have reminded them of the circumstances of our emigration and settlement here! We have appealed to their native justice and magnanimity, and we have conjured them, by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connection and correspondence! They too have been deaf to the voice of justice and of consanguinity. We must, therefore acquiesce in the necessity which denounces our separation, and hold them as we hold the rest of mankind, enemies in war, in peace, friends.

'We, therefore, the Representatives of the United States of America, in General Congress assembled, appealing to the Supreme Judge of the World, for the rectitude of our intentions, do in the name and by the authority of the good people of these Colonies, solemnly publish and declare: That these United Colonies are, and of right ought to be, free and independent States; that they are absolved from all allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is, and ought to be, totally dissolved: and that as free and independent States, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of right do. And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other, our lives, our fortunes, and our sacred honour.'

"And whereas this Convention having taken this declaration into their most serious consideration, did on the ninth day of July last past, unanimously resolve, that the reasons assigned by the Continental Congress for declaring the United Colonies free and independent States, are cogent and conclusive: and that while we lament the cruel necessity which has rendered that measure unavoidable, we approve the same, and will, at the risk of our lives and fortunes, join the other Colonies in supporting it.

"By virtue of which several acts, declarations and proceedings mentioned and contained in the aforerecited resolves or resolutions of the General Congress of the United American States, and of the Congresses or Conventions of this State, all power whatever therein hath reverted to the people thereof, and this Convention hath by their suffrages and free choice been appointed, and among other things, authorized to institute and establish such a government as they shall deem best calculated to secure the rights and liberties of the good people of this State, most conducive of the happiness and safety of their constituents in particular, and of America in general.

"I. This Convention, therefore, in the name and by the authority of the good people of this State, doth ordain, determine and declare, that no authority shall, on any pretence whatever, be exercised over the people or members of this State, but such as shall be derived from and granted by them.

"II. This Convention doth further, in the name and by the authority of the good people of this State, ordain, determine and declare, that the supreme Legislative power, within this State, shall be vested in two separate and distinct bodies of men; the one to be called the Assembly of the State of New-York; the other to be called the Senate of the State of New-York; who together shall form the Legislature, and meet once at least in every year for the despatch of business.

"III. And whereas laws inconsistent with the spirit of this constitution or with the public good, may be hastily and unadvisedly passed:

"*Be it Ordained*, That the Governor for the time being, the Chancellor, and the Judges of the Supreme Court, or any two of them, together with the Governor, shall be, and hereby are, constituted a Council to revise all bills about to be passed into laws by the Legislature; and for that purpose shall assemble themselves from time to time, when the Legislature shall be convened; for which nevertheless they shall not receive any salary or consideration, under any pretence whatever. And that all bills, which have passed the Senate and Assembly, shall, before they become laws, be presented to the said Council for their revisal and consideration; and if, upon such revision and consideration, it should appear improper to the said Council, or a majority of them, that the said bill should become a law of this State, that they return the same, together with their objections thereto in writing, to the Senate, or House of Assembly, in which soever the same shall have originated, who shall enter the objections sent down by the Council, at large on their minutes, and proceed to reconsider the said bill. But if after such reconsideration two-thirds of the said Senate, or House of Assembly, shall, notwithstanding the said objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the Legislature, where it shall also be reconsidered, and if approved by two-thirds of the members present, it shall be a law.

"And in order to prevent any unnecessary delays,

"*Be it further Ordained*, That if any bill shall not be returned by the Council within ten days after it shall have been presented, the same shall be a law, unless the Legislature shall, by their adjournment, render a return of the said bill within ten days impracticable; in which case the bill shall be returned on the first day of the meeting of the Legislature, after the expiration of the said ten days.

"IV. That the Assembly shall consist of at least seventy members, to be annually chosen in the several counties in the proportions following, viz:

For the city and county of New-York,	nine
the city and county of Albany,	ten
the county of Dutchess,	seven
the county of Westchester,	six
the county of Ulster,	six
the county of Suffolk,	five
the county of Queens,	four
the county of Orange,	four
the county of Kings,	two
the county of Richmond,	two
the county of Tryon,	six
the county of Charlotte,	four
the county of Cumberland,	three
the county of Gloucester,	two.

"V. That as soon after the expiration of seven years, subsequent to the termination of the present war, as may be, a census of the electors and inhabitants in this State be taken, under the direction of the Legislature. And if on such census, it shall appear that the number of Representatives in Assembly, from the said counties, is not justly proportioned to the number of electors in the said counties respectively, that the Legislature do adjust and apportion the same by that rule. And further, that once in every seven years, after the taking of the said first census, a just account of the electors resident in each county shall be taken; and if it shall thereupon appear that the number of electors in any county, shall have increased or diminished one or more seventieth parts of the whole number of electors, which on the said first census shall be found in this State, the number of Representatives for such county shall be increased or diminished accordingly, that is to say, one Representative for every seventieth part as aforesaid.

"VI. And whereas an opinion hath long prevailed, among divers of the good people of this State, that voting at elections by ballot, would tend more to preserve the liberty and equal freedom of the people, than voting *viva voce*; to the end therefore, that a fair experiment be made which of those two methods of voting is to be preferred:

"*Be it Ordained*, That as soon as may be, after the termination of the present war between the United States of America and Great Britain, an act or acts be

passed by the Legislature of this State, for causing all elections, thereafter to be held in this State, for Senators and Representatives in Assembly, to be by ballot, and directing the manner in which the same shall be conducted: AND WHEREAS it is possible, that after all the care of the Legislature in framing the said act or acts, certain inconveniences and mischiefs, unforeseen at this day, may be found to attend the said mode of electing by ballot:

"*It is further Ordained*, That if after a full and fair experiment shall be made of voting by ballot aforesaid, the same shall be found less conducive to the safety or interest of the State than the method of voting *viva voce*, it shall be lawful and constitutional for the Legislature to abolish the same; provided two-thirds of the members present in each House respectively shall concur therein; and further, that during the continuance of the present war, and until the Legislature of this State shall provide for the election of Senators and Representatives in Assembly by ballot, the said elections shall be made *viva voce*.

"VII. That every male inhabitant, of full age, who shall have personally resided within one of the counties of this State for six months immediately preceding the day of election, shall, at such election, be entitled to vote for Representatives of the said county in Assembly; if, during the time aforesaid, he shall have been a freeholder, possessing a freehold of the value of twenty pounds, within the said county, or have rented a tenement therein of the yearly value of forty shillings, and been rated, and actually paid taxes to this State: provided always, that every person who now is a freeman of the city of Albany, or who was made a freeman of the city of New-York, on or before the fourteenth day of October, in the year of our Lord one thousand seven hundred and seventy-five, and shall be actually and usually resident in the said cities respectively, shall be entitled to vote for Representatives in Assembly within his said place of residence.

"VIII. That every elector, before he is admitted to vote, shall, if required by the returning officer, or either of the inspectors, take an oath, or if of the people called Quakers, an affirmation, of allegiance to the State.

"IX. That the Assembly thus constituted, shall choose their own Speaker, be judges of their own members, and enjoy the same privileges, and proceed in doing business in like manner as the Assemblies of the Colony of New-York of right formerly did; and that a majority of the said members shall, from time to time, constitute a House to proceed upon business.

"X. And this Convention doth further, in the name, and by the authority of the good people of this State, ordain, determine and declare, that the Senate of the State of New-York shall consist of twenty-four freeholders, to be chosen out of the body of the freeholders, and that they be chosen by the freeholders of this State, possessed of freeholds of the value of one hundred pounds, over and above all debts charged thereon.

"XI. That the members of the Senate be elected for four years, and immediately after the first election, they be divided by lot into four classes, six in each class, and numbered one, two, three and four; that the seats of the members of the first class shall be vacated at the expiration of the first year; the second class the second year; and so on continually, to the end, that the fourth part of the Senate, as nearly as possible, may be annually chosen.

"XII. That the election of Senators shall be after this manner: that so much of this State as is now parcelled into counties, be divided into four great districts; the southern district to comprehend the city and county of New-York, Suffolk, Westchester, Kings, Queens and Richmond counties; the middle district to comprehend the counties of Dutchess, Ulster and Orange; the western district the city and county of Albany, and Tryon county; and the eastern district, the counties of Charlotte, Cumberland and Gloucester. That the Senators shall be elected by the freeholders of the said districts, qualified as aforesaid in the proportions following, to wit: in the southern district nine; in the middle district six; in the western district six; and in the eastern district three.

"*And be it Ordained*, That a census shall be taken as soon as may be, after the expiration of seven years from the termination of the present war, under the direction of the Legislature; and if on such census it shall appear, that the number of Senators is not justly proportioned to the several districts, that the Legislature adjust the proportion as near as may be, to the number of freeholders qualified as aforesaid in each district. That when the number of electors, within any of the said districts, shall have increased one-twenty-fourth part of the whole number of electors, which by the said census, shall be found to be in this State, an additional Senator shall be chosen by the electors of such district. That a majority of the number of Senators to be chosen as aforesaid, shall be necessary to constitute a Senate sufficient to proceed upon business; and that the Senate shall in like manner with the Assembly, be the judges of its own members.

"*And be it Ordained*, That it shall be in the power of the future Legislatures of this State, for the convenience and advantage of the good people thereof, to divide the same into such further and other counties and districts as shall to them appear necessary.

"XIII. And this Convention doth further, in the name and by the authority of the good people of this State, ordain, determine and declare, that no member of this State shall be disfranchised or deprived of any of the rights or privileges secured to the subjects of this State, by this Constitution, unless by the law of the land, or the judgment of his peers.

"XIV. That neither the Assembly nor the Senate shall have power to adjourn themselves for any longer time than two days, without the mutual consent of both.

"XV. That whenever the Assembly and Senate disagree. a conference shall be held in the presence of both, and be managed by committees to be by them respectively chosen by ballot. That the doors, both of the Senate and Assembly shall at all times be kept open to all persons, except when the welfare of the State shall require their debates to be kept secret. And the journals of all their proceedings shall be kept in the manner heretofore accustomed by the General Assembly of the Colony of New-York, and except such parts as they shall as aforesaid respectively determine not to make public, be from day to day (if the business of the Legislature will permit) published.

"XVI. It is nevertheless provided, that the number of Senators shall never exceed one hundred, nor the number of Assembly three hundred; but that whenever the number of Senators shall amount to one hundred, or of the Assembly to three hundred, then and in such case, the Legislature shall from time to time thereafter, by laws for that purpose, apportion and distribute the said one hundred Senators and three hundred Representatives, among the great districts and counties of this State in proportion to the number of their respective electors; so that the representation of the good people of this State, both in the Senate and Assembly, shall forever remain proportionate and adequate.

"XVII. And this Convention doth further, in the name and by the authority of the good people of this State, ordain, determine and declare, that the supreme executive power and authority of this State, shall be vested in a Governor; and that statedly once in every three years, and as often as the seat of government shall become vacant, a wise and discreet freeholder of this State shall be by ballot elected Governor by the freeholders of this State, qualified as before described to elect senators; which elections shall be always held at the times and places of choosing Representatives in Assembly for each respective county, and that the person who hath the greatest number of votes within the said State shall be Governor thereof.

"XVIII. That the Governor shall continue in office three

years, and shall by virtue of his office be General and Commander-in-Chief of all the militia, and Admiral of the navy of this State; that he shall have power to convene the Assembly and Senate on extraordinary occasions; to prorogue them from time to time, provided such prorogations shall not exceed sixty days in the space of any one year; and, at his discretion, to grant reprieves and pardons to persons convicted of crime, other than treason or murder, in which he may suspend the execution of the sentence until it shall be reported to the Legislature at their subsequent meeting; and they shall either pardon or direct the execution of the criminal, or grant a further reprieve.

"XIX. That it shall be the duty of the Governor to inform the Legislature, at every session, of the condition of the State, so far as may respect his department; to recommend such matters to their consideration as shall appear to him to concern its good government, welfare and prosperity; to correspond with the Continental Congress, and other States; to transact all necessary business with the officers of government, civil and military; to take care that the laws are faithfully executed, to the best of his ability, and to expedite all such measures as may be resolved upon by the Legislature.

"XX. That a Lieutenant-Governor shall at every election of a Governor, and as often as the Lieutenant-Governor shall die, resign, or be removed from office, be elected in the same manner with the Governor, to continue in office until the next election of a Governor; and such Lieutenant-Governor shall, by virtue of his office, be President of the Senate, and, upon an equal division, have a casting voice in their decisions, but not vote on any other occasion.

"And in case of the impeachment of the Governor, or his removal from office, death, resignation, or absence from the State, the Lieutenant-Governor shall exercise all the power and authority appertaining to the office of Governor, until another be chosen, or the Governor absent or impeached, shall return or be acquitted: provided, that when the Governor shall, with the consent of the Legislature, be out of the State, in time of war, at the head of a military force thereof, he shall still continue in his command of all the military force of this State, both by sea and land.

"XXI. That whenever the government shall be administered by the Lieutenant-Governor, or he shall be unable to attend as President of the Senate, the Senators shall have power to elect one of their own members to the office of President of the Senate, which he shall exercise *pro hac vice;* and if during such vacancy of the office of Governor, the Lieutenant-Governor shall be impeached, displaced, resign, die, or be absent from the State, the President of the Senate shall in like manner as the Lieutenant-Governor administer the government, until others shall be elected by the suffrage of the people at the succeeding election.

"XXII. And this Convention doth further, in the name and by the authority of the good people of this State, ordain, determine and declare, that the Treasurer of this State shall be appointed by act of the Legislature, to originate with the Assembly; provided, that he shall not be elected out of either branch of the Legislature.

"XXIII. That all officers, other than those, who by this Constitution are directed to be otherwise appointed, shall be appointed in the manner following, to wit: The Assembly shall, once in every year, openly nominate and appoint one of the Senators from each great district, which Senators shall form a Council for the appointment of the said officers, of which the Governor, for the time being, or the Lieutenant-Governor, or the President of the Senate, when they shall respectively administer the government, shall be president, and have a casting voice, but no other vote; and with the advice and consent of the said Council, shall appoint all the said officers; and that a majority of the said council be a quorum; and further, the said Senators shall not be eligible to the said Council for two years successively.

"XXIV. That all military officers be appointed during pleasure; that all commissioned officers, civil and military, be commissioned by the Governor, and that the chancellor, judges of the supreme court, and first judge of the county court, in every county, hold their offices during good behaviour, or until they shall have respectively attained the age of sixty years.

"XXV. That the chancellor and judges of the supreme court shall not at the same time hold any other office, excepting that of Delegate to the General Congress, upon special occasions; and that the first judges of the county courts in the several counties, shall not at the same time hold any other office, excepting that of Senator or Delegate to the General Congress. But if the chancellor, or either of the said judges, be elected or appointed to any other office, excepting as is before excepted, it shall be at his option in which to serve.

"XXVI. That sheriffs and coroners be annually appointed, and that no person shall be capable of holding either of the said offices more than four years successively, nor the sheriff, of holding any other office at the same time.

"XXVII. *And be it further Ordained,* That the register and clerks in chancery be appointed by the chancellor; the clerks of the supreme court by the judges of the said court; the clerk of the court of probates by the judge of the said court; and the register and marshal of the court of admiralty, by the judge of the admiralty. The said marshal, registers and clerks to continue in office during the pleasure of those by whom they are to be appointed as aforesaid.

"And that all attorneys, solicitors and counsellors at law, hereafter to be appointed, be appointed by the court, and licensed by the first judge of the court in which they shall respectively plead or practise, and be regulated by the rules and orders of the said courts.

"XXVIII. *And be it further Ordained,* That where, by this Convention, the duration of any office shall not be ascertained, such office shall be construed to be held during the pleasure of the council of appointment: provided that new commissions shall be issued to the judges of the county courts, (other than to the first judge,) and to justices of the peace, once at least in every three years.

"XXIX. That town clerks, supervisors, assessors, constables and collectors, and all other officers heretofore eligible by the people, shall always continue to be so eligible, in the manner directed by the present or future acts of the Legislature.

"That loan officers, county treasurers and clerks of the supervisors, continue to be appointed in the manner directed by the present or future acts of the Legislature.

"XXX. That Delegates to represent this State in the General Congress of the United States of America, be annually appointed as follows, to wit: The Senate and Assembly shall each openly nominate as many persons as shall be equal to the whole number of Delegates to be appointed; after which nomination they shall meet together, and those persons named in both lists shall be Delegates. And out of those persons whose names are not in both lists, one-half shall be chosen by the joint ballot of the Senators and Members of Assembly, so met together as aforesaid.

"XXXI. That the style of all laws shall be as follows, to wit: "Be it enacted by the People of the State of New-York, represented in Senate and Assembly." And that all writs and other proceedings shall run in the name of "the People of the State of New-York," and be tested in the name of the chancellor, or chief judge of the court from whence they shall issue.

"XXXII. And this Convention doth further in the name and by the authority of the good people of this State, ordain, determine and declare, that a court shall be instituted for the trial of impeachments and correction of errors, under the regulations which shall be established by the Legislature; and to consist of the President of the Senate, for the time being, and the Senators, chancellor and judges

of the supreme court, or the major part of them; except that when an impeachment shall be prosecuted against the chancellor, or either of the judges of the supreme court, the person so impeached, shall be suspended from exercising his office until his acquittal. And, in like manner, when an appeal from a decree in equity shall be heard, the chancellor shall inform the court of the reasons of his decree, but shall not have a voice in the final sentence. And if the cause to be determined shall be brought up by a writ of error on a question of law, on a judgment in the supreme court, the judges of that court shall assign the reasons of such their judgment, but shall not have a voice for its affirmance or reversal.

"XXXIII. That the power of impeaching all officers of the State, for mal and corrupt conduct in their respective offices, be vested in the Representatives of the people in Assembly; but that it shall always be necessary that two-third parts of the members present shall consent to, and agree in, such impeachment. That previous to the trial of every impeachment, the members of the said court shall respectively be sworn, truly and impartially, to try and determine the charge in question according to evidence; and that no judgment of the said court shall be valid, unless it shall be assented to by two-third parts of the members then present; nor shall it extend farther than to removal from office, aud disqualification to hold or enjoy any place of honour, trust or profit, under this State. But the party so accused, shall be, nevertheless, liable and subject to indictment, trial, judgment and punishment, according to the laws of the land.

"XXXIV. *And it is further Ordained*, That in every trial on impeachment or indictment for crimes or misdemeanors, the party impeached or indicted shall be allowed counsel, as in civil actions.

"XXXV. And this Convention doth further, in the name, and by the authority of the good people of this State, ordain, determine, and declare, that such parts of the common law of England, and of the statute law of England and Great Britain, and of the acts of the Legislature of the Colony of New-York, as together did form the law of the said Colony on the nineteenth day of April, in the year of our Lord one thousand seven hundred and seventy-five, shall be and continue the law of this State; subject to such alterations and provisions as the Legislature of this State shall, from time to time, make concerning the same. That such of the said acts as are temporary, shall expire at the times limited for their duration respectively.

"That all such parts of the common law, and all such of the said statutes and acts aforesaid, or parts thereof, as may be construed to establish or maintain any particular denomination of Christians or their ministers, or concern the allegiance heretofore yielded to, and the supremacy, sovereignty, government or prerogatives, claimed or exercised by the King of Great Britain and his predecessors, over the Colony of New-York and its inhabitants, or are repugnant to this Constitution, be, and they hereby are, abrogated and rejected.

"And this Convention doth further ordain, that the resolves or resolutions of the Congresses of the Colony of New-York, and of the Convention of the State of New-York, now in force, and not repugnant to the government established by this Constitution, shall be considered as making part of the laws of this State; subject, nevertheless, to such alterations and provisions as the Legislature of this State may, from time to time, make concerning the same.

"XXXVI. *And be it further Ordained*, That all grants within this State, made by the King of Great Britain, or persons acting under his authority, after the fourteenth day of October, one thousand seven hundred and seventy-five, shall be null and void. But that nothing in this Constitution contained, shall be construed to affect any grants of land within this State, made by the authority of the said King or his predecessors, or to annul any charters to bodies politic, by him or them, or any of them, made prior to that day. And that none of the said charters shall be adjudged to be void by reason of any non-user or misuser of any of their respective rights or privileges, between the nineteenth day of April, in the year of our Lord one thousand seven hundred and seventy-five, and the publication of this Constitution. And further, that all such of the officers described in the said charters respectively, as by the terms of the said charters were to be appointed by the Governor of the Colony of New-York, with or without the advice and consent of the Council of the said King in the said Colony, shall henceforth be appointed by the Council established by this Constitution for the appointment of officers in this State, until otherwise directed by the Legislature.

"XXXVII. And whereas it is of great importance to the safety of this State, that peace and amity with the Indians within the same, be at all times supported and maintained: And whereas the frauds too often practised towards the said Indians in contracts made for their lands, have in divers instances been productive of dangerous discontents and animosities:

"*Be it Ordained*, That no purchases or contracts for the sale of lands made since the fourteenth day of October, in the year of our Lord one thousand seven hundred and seventy-five, or which may hereafter be made with or of the said Indians, within the limits of this State, shall be binding on the said Indians, or deemed valid, unless made under the authority and with the consent of the Legislature of this State.

"XXXVIII. And whereas we are required by the benevolent principles of rational liberty, not only to expel civil tyranny, but also to guard against that spiritual oppression and intolerance wherewith the bigotry and ambition of weak and wicked priests and princes have scourged mankind: This Convention doth further, in the name and by the authority of the good people of this State, ordain, determine and declare, that the free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever hereafter be allowed within this State to all mankind; provided that the liberty of conscience hereby granted shall not be so construed as to excuse acts of licentiousness or justify practices inconsistent with the peace or safety of this State.

"XXXIX. And whereas the ministers of the gospel are by their profession, dedicated to the service of God and the cure of souls, and ought not to be diverted from the great duties of their function: Therefore, no minister of gospel, or priest of any denomination whatsoever, shall at any time hereafter, under any pretence or description whatever, be eligible to, or capable of holding, any civil or military office or place within this State.

"XL. And whereas it is of the utmost importance to the safety of every State, that it should always be in a condition of defence; and it is the duty of every man who enjoys the protection of society, to be prepared and willing to defend it: This Convention therefore in the name and by the authority of the good people of this State, doth ordain, determine and declare, that the militia of this State at all times hereafter, as well in peace as in war, shall be armed and disciplined and in readiness for service. That all such of the inhabitants of this State, being of the people called Quakers, as from scruples of conscience may be averse to the bearing of arms, be therefrom excused by the Legislature, and do pay to the State such sums of money in lieu of their personal service, as the same may, in the judgment of the Legislature, be worth; and that a proper magazine of warlike stores, proportionate to the number of inhabitants, be forever hereafter at the expense of this State; and by acts of the Legislature, established, maintained and continued in every county in this State.

"XLI. And this Convention doth further ordain determine and declare in the name and by the authority of the good people of this State, that trial by jury in all cases in which it hath heretofore been used in the colony of New-

York, shall be established and remain inviolate forever. And that no acts of attainder shall be passed by the Legislature of this State, for crimes other than those committed before the termination of the present war; and that such acts shall not work a corruption of blood. And further, that the Legislature of this State shall, at no time hereafter, institute any new court or courts but such as shall proceed according to the course of the common law.

"XLII. And this Convention doth further, in the name and by the authority of the good people of this State, ordain, determine and declare, that it shall be in the discretion of the Legislature to naturalize all such persons, and in such manner as they shall think proper, provided all such of the persons so to be by them naturalized, as being born in parts beyond sea, and out of the United States of America, shall come to settle in, and become subjects of this State, shall take an oath of allegiance to this State, and abjure and renounce all allegiance and subjection to all and every foreign king, prince, potentate and State, in all matters ecclesiastical as well as civil.

"By order,

"LEONARD GANSEVOORT, *Pres. pro. tem.*"

Resolved, That Mr. Robert R. Livingston, General Scott, Mr. Morris, Mr. Abraham Yates, Mr. Jay and Mr. Hobart, be a committee to prepare and report a plan for organizing and establishing the government agreed to by this Convention.

Ordered, That one of the Secretaries proceed to Fishkill and direct five hundred copies of this Constitution to be printed without the preamble and with the above resolution added thereto, and that he have 2,500 copies with the preamble printed, and without the said resolution.

Ordered, That the Secretary be authorized to give gratuities to the printer and his workmen, at his discretion, to obtain despatch, and that the printer be directed to lay aside all other business.

Resolved, That the Constitution of this State be published at the Court House, at eleven of the clock on next Tuesday morning.

Ordered, That the chairman of the committee of Kingston be furnished with a copy of the above resolution, and that he be requested to notify the inhabitants of Kingston thereof.

MONDAY MORNING,

April 21, 1777.

The Convention met pursuant to adjournment.

PRESENT—Colonel Van Cortlandt, *Vice-President*.

Major Van Zandt, Mr. Beekman, Capt. Rutgers—*New-York*.

Mr. Harper, Mr. Newkerk—*Tryon*.

Col. Williams, Major Webster—*Charlotte*.

Mr. Cuyler, Mr. Ten Broeck, Colo. Livingston, Mr. Bleecker, Mr. Gansevoort, Mr. Abraham Yates—*Albany*.

Mr. Clarke, Colo. Allison—*Orange*.

Mr. Smith, Mr. Tredwell, Mr. Hobart—*Suffolk*.

Col. Van Cortlandt, Col. Drake, Judge Graham, Major Lockwood—*Westchester*.

Mr. Cantine, Major Tappen—*Ulster*.

Capt. Schenk, Major Landon, Mr. G. Livingston—*Dutchess*.

A petition from the committee of Claverack, and the field officers of Kinderhook militia, praying that a company of rangers may be raised to quell the disaffected persons, and protect the well affected inhabitants in that quarter, was read.

Ordered, That the said petition be referred to Colo. Livingston, Mr. Bleecker, and Col. Allison.

Mr. Ten Broeck, at the request of the committee of Albany, informed the House, that there are a great many vacancies in the militia officers in the said county, and requests that one hundred blank commissions may be sent to them to be filled up.

Ordered, That the Secretary send one hundred blank commissions, signed by the President and attested, to the committee of Albany.

Mr. Tappen, from the committee appointed to examine Thomas Hedding, charged with counterfeiting Continental money, reported the examinations of Daniel Williams and Benjamin Lyons, and the deposition of Esther Crawford, together with the counterfeited bills found upon him.

Ordered, That the said depositions and bills be lodged with the Secretary.

Mr. Isaac Sheldon, one of the commissioners appointed to dispose of the personal property of persons gone over to the enemy, attending, informed the House that the property of sundry persons gone to the enemy, is claimed by persons who produce bills of sale for the same, and requests the direction of Convention thereon.

Ordered, That Mr. Sheldon's application be referred to Mr. G. Livingston, Capt. Schenk, Judge Graham, Mr. R. R. Livingston and Mr. Morris.

MONDAY AFTERNOON, *April* 21, 1777.

The Convention met pursuant to adjournment.

PRESENT—Col. Van Cortlandt, *Vice-President*.

Mr. Van Cortlandt, Mr. Harper, Mr. Bancker, General Scott, Mr. Dunscomb—*New-York*.

Mr. W. Harper, Mr. Newkerk—*Tryon*.

Colo. De Witt, Major Tappen, Mr. Cantine—*Ulster*.

Mr. Abm. Yates, Mr. Bleecker, Mr. Cuyler, Mr. Ten Broeck, Colo. Livingston, Mr. Gansevoort—*Albany*.

Mr. G. Livingston—*Dutchess*.

Col. Williams, Major Webster—*Charlotte*.

Mr. Smith, Mr. Tredwell, Mr. Hobart—*Suffolk*.

Judge Graham, Colo. Drake, Mr Lockwood—*Westchester*.

Mr. Stevens—*Cumberland*.

Colo. Allison, Mr. Clarke—*Orange*.

A letter from Philip Swartwout, chairman of Mamacotting precinct, with the evidence of John Lasley against Abraham Smith, charged with being concerned in a conspiracy, and who is now brought to this place under guard, was read.

Ordered, That the said Abraham Smith be committed to the jail at Kingston, until he be discharged by order of Convention or due course of law.

The committee to whom was referred the letter from the general committee of the county of Albany, dated the 17th instant, delivered in their report, which was read, amended and approved of, and is as follows, viz:

Resolved, That the resolutions of this Convention of the first day of April, instant, empowering courts martial to try persons as spies from the enemy, or for enlisting men in their service, or furnishing supplies or intelligence to them be, and hereby are, extended to all such persons as have been or shall be taken up as offenders against the resolutions of this Convention, passed the 16th day of July last, describing what crimes are treason against this State, and continue in force until the first day of July next, unless sooner repealed.

Resolved, That certified copies of the foregoing, together with those referred to above, be sent to the committee of Albany, and to Brigadier-Generals McDougall, George Clinton, Ten Broeck and Herkimer.

Resolved, That the foregoing resolve, and the other resolutions therein mentioned, be printed together in 500 handbills, and in the public newspapers, and distributed through the different counties of this State.

Resolved, That it be, and it hereby is, recommended to the general committee and the respective sub-committees of the county of Albany, and all other county and sub-committees in this State, to use their utmost endeavors to apprehend, secure, and otherwise, according to their discretion, dispose of all such persons as they shall conceive to be inimical or dangerous to this State, until the farther order of this Convention or future legislature of this State.

allowing the parties hereby affected the right of appeal from any sub-committee to the general cemmittee.

Resolved, That some large and convenient place or places of security for confining under guard all such persons whose going at large will probably be dangerous to this State, be provided; and that Colonel De Witt, General Scott, Mr. Zeph. Platt, Mr. R. R. Livingston, and Mr. William Harper, be a committee to prepare and report a plan for that purpose, without delay.

General Scott, to whom was referred the letter from Hugh Hughes, deputy quarter-master-general, relative to the farm of Beverly Robinson, Junior, reported as follows, to wit: That they are of opinion that, as a very considerable lodgment of stores in the quarter-master's department is formed at Morrison's mills, in Fredericksburgh, in the county of Dutchess, to and from which there will be much carriage, a proper farm in its vicinity, for supporting the cattle that may from time to time be employed in that department of service, will be absolutely necessary; and that the farm lately in the occupation of Beverly Robinson, Junr. will be very convenient for that purpose. It is therefore the opinion of your committee that the commissioners of sequestration in the county of Dutchess be directed to lease the said farm for one year to the said deputy quarter-master-general, at such rent as they shall think proper, notwithstanding any treaty for the same that may have been in agitation between the said commissioners and any individual person, for the use or occupation of the said farm.

Resolved, That this Convention doth agree with their committee in their said report.

The committee to whom was committed the petition of the committee of Claverack, and the field officers of the Kinderhook militia, delivered in their report, which was read, and the consideration thereof postponed till to-morrow.

The committee to whom was referred the petition of Mrs. Penuel Grant, reported the following resolution, which was agreed to, to wit:

"WHEREAS Mrs. Penuel Grant has, by her petition of the 4th instant, requested leave to remove with her family and effects to New-York: AND WHEREAS General Delancey has lately, upon application to him made for that purpose, refused the like permission to Colonel Birdsall's wife, now on Long island, therefore

"*Resolved*, That the prayer of the said petition be rejected."

The committee to whom was committed the letter from John Dumont, Esquire, reported the examination of Isaac Low, which was read.

Ordered, That the said Isaac Low be committed to the jail of Kingston, and that the said committee transmit a copy of the said examination to the committee of Albany.

TUESDAY MORNING,

April 22, 1777.

The Convention met pursuant to adjournment.

PRESENT—Col. Van Cortlandt, *Vice-President*.

Col. Lott, Capt. Rutgers, Col. Brasher, Major Van Zandt, Mr. Van Cortlandt, Mr. Harper—*New-York*.

Mr. Harper—*Tryon*.

Mr. Smith, Mr. Tredwell—*Suffolk*.

Capt. Schenk, Mr. G. Livingston, Major Landon—*Dutchess*.

Mr. Adgate, Mr. Cuyler, Col. Livingston, Mr. Gansevoort, Mr. Bleecker, Mr. Abraham Yates—*Albany*.

Major Tappen, Mr. Contine, Mr. Ray—*Ulster*.

Judge Graham, Major Lockwood, Colo. Drake—*Westchester*.

Mr. Clarke, Col. Allison, Mr. Wisner—*Orange*.

Colo. Williams, Major Webster—*Charlotte*.

Mr. Stevens—*Cumberland*.

A letter from John Henry, commissary of clothing store, dated the 20th instant, was read, and commmitted to Mr. Robert Harper and Mr. Dunscomb.

A letter from Colo. Dubois, enclosing a return of his regiment, was read and filed.

WEDNESDAY MORNING,

April 23, 1777.

The Convention met pursuant to adjournment.

PRESENT—Colonel Van Cortlandt, *Vice-President*.

Mr. Bancker, Colonel Lott, Major Van Zandt, Colo. Brasher, Capt. Rutgers, Mr. Jno. Van Cortlandt, Mr. Dunscomb, Mr. Harper, General Scott—*New-York*.

Mr. Harper, Mr. Newkirk—*Tryon*.

Major Lockwood, Colo. Van Cortlandt, Judge Graham, Mr. Morris, Colo. Drake—*Westchester*.

Mr. Abraham Yates, Colo. Livingston, Mr. Adgate, Mr. Bleecker, Mr. Gansevoort—*Albany*.

Colo. Allison, Mr. Wisner, Mr. Clarke—*Orange*.

Mr. Rea, Major Tappen—*Ulster*.

Mr. Stevens—*Cumberland*.

Mr. Smith, Mr. Hobart, Mr. Miller, Mr. Tredwell—*Suffolk*.

Capt. Schenk, Mr. Landon, Mr. R. R. Livingston—*Dutchess*.

Colo. Williams, Major Webster—*Charlotte*.

A letter from General George Clinton, dated the 22nd inst. relative to the militia by him ordered out to the forts and passes in the Highlands, was read.

Ordered, That the same be committed to Mr. Hobart, Mr. John Van Cortlandt and Colonel Lott.

A letter from the Honourable John Hancock, President, &c. enclosing sundry resolutions of Congress, the dates and subjects whereof, are as follows, to wit:

"April the 1st, 2nd, 9th and 10th—For the better regulating the pay of the army.

"April the 7th—For the better regulating and establishing the hospitals.

"April 4th and 10th—Respecting the muster-master's department.

"April the 14th—A recommendation to the executive powers of each State to enquire into the conduct of all officers on the recruiting service, and for exempting those of the militia who provide a man, in the Continental service.

"April 14—For repealing sundry articles of the Continental articles of war, and substituting others in their stead.

"A letter from the Honourable William Duer, Esq. at Congress, dated the 17th instant, enclosing an extract of a letter from Colonel Lewis to General Schuyler, and a copy of a letter from Colonel Wayne at Ticonderoga, to General Schuyler, dated the 2nd instant, both relative to the weak state of that fortress."

The aforegoing letters and enclosures were all read, and committed to Mr. Hobart, Mr. Robert R. Livingston and Colonel Livingston.

A letter from Colo. Hamilton to the committee of correspondence, was read.

Ordered, That the Treasurer of this State advance to Governeur Morris, Esq. the sum of four hundred pounds, on account of the hempseed purchased by order of Convention.

Ordered, That Colonel Brasher and Mr. Wisner, be a committee to superintend the removal of hempseed purchased on account of this State, to the places specified in the resolution of the day of last.

A letter from Colo. Henry B. Livingston, informing the House that the Auditor-General will not accept of the receipts by him taken from the different recruiting officers of his regiment, for the moneys by him advanced to them, as sufficient vouchers for the expenditure of the money advanced, and by him received out of the Treasury of this State for the recruiting service, was read.

Ordered, That the consideration thereof be postponed until Mr. Sands, the Auditor-General, be consulted.

Colonel Livingston, from the committee to whom the petition from the committee of Claverack, and the field officers of Kinderhook district was committed, delivered in the report of the said committee for raising a company to range the woods, and for protecting the inhabitants in the county of Albany.

The same being read, and taken into consideration, debates arose, and the question being put thereon, was carried in the negative, in manner following, to wit :

Negative.		*Affirmative.*	
Wetchester,	4	Albany,	6
Ulster,	4	Dutchess,	5
Orange,	3	Suffolk,	4
New-York,	8	Charlotte,	2
	19		17

The petition of Elizabeth Bend, relative to some personal property, taken in possession by the commissioners for sequestration, and claimed by her, was read and referred to the committee, on Capt. Sheldon's application.

A letter from Gloriana Stevenson, requesting the use of the farm of one Osborn, who is gone over to the enemy, was read and committed to Colo. Brasher, Judge Graham, and Mr. Tredwell, and to whom all the like applications will be referred.

Colonel Lott informed the House that Mr. Henry Van Vleck has, at New-London or some port near that, a quantity of salt, which he wishes to sell for the use of the inhabitants of this State. Thereupon,

Resolved, That Colonel Lott and Colonel Drake be a committee, with power to purchase one thousand bushels of salt on account of this State; and that they cause the same to be conveyed to some place of safety therein.

The Convention were informed that the persons employed by the committee in Westchester county, for the purpose of removing the forage which was exposed to the enemy in that county, have not been paid for their services, whereby great uneasiness hath arisen; and it being suggested that all the accounts are in the hands of Mr. Duer,

Ordered, That the President write to Mr. Duer, requesting him to put the accounts in such a situation that another person may settle them; and that he send them to Convention by express.

The committee to whom was referred the petition of Abel Noble and Peter Townsend, together with the letter from Hugh Hughs, deputy quarter-master-general, delivered in their report, which was read, amended and agreed to, and is as follows, to wit :

"WHEREAS, from the petition of Abel Noble and Peter Townsend, it appears to this Convention that large contracts have been made with the Sterling iron works, for iron and steel for the use of the Continental army, and that the same cannot be supplied so well from any other iron works; and that the said works of iron and steel at Sterling cannot be carried on unless an exemption from military duty be granted to a certain number of persons employed therein. Therefore,

"*Resolved*, That the said Abel Noble and Peter Townsend be empowered to grant exemptions for six months to such persons as are actually employed in, and necessary to carry on, the said works; provided that the same shall not exceed one hundred men.

"*Resolved*, That no man shall be considered as an exempt, unless his name shall be filed with the Brigadier-General of the counties of Ulster and Orange, and a certificate be obtained from and signed by him, containing the name and description of the person so exempted, and the regiment to which he belonged, if, previous to such exemption, he had been enrolled in any regiment of the militia of this State.

"AND WHEREAS it is reasonable, that those who are freed from the military duty which they owe to this State, should pay some compensation therefor: Therefore,

"*Resolved*, That every person claiming the benefit of an exemption under the above resolution, shall pay to the Brigadier-General with whom his name is filed, the sum of sixty shillings, to be accounted for with the Treasurer of this State: AND WHEREAS it has been suggested that the influence of disaffected overseers at iron works over the persons under their direction, has been productive of much mischief to the State:

"*Resolved*, That the proprietors of the Sterling iron works shall derive no benefits from the above resolution until the overseers and clerks of the said works shall have been approved of by, and taken an oath or affirmation of allegiance to this State, before the chairman of the committee of the county of Orange."

THURSDAY MORNING,

April 24, 1777.

The Convention met pursuant to adjournment.

PRESENT—Colo. Van Cortlandt, *Vice-President*.

Capt. Rutgers, Mr. Bancker, Colo. Lott, Mr. John Van Cortlandt, Mr. Dunscomb, Colo. Brasher, Major Van Zandt—*New-York*.

Mr. Harper—*Tryon*.

Mr. Cantine, Major Tappen, Mr. Rea—*Ulster*.

Mr. Abraham Yates, Mr. Cuyler, Mr. Bleecker, Colo. Livingston, Mr. Adgate, Mr. Gansevoort—*Albany*.

Mr. Joshua Smith, Mr. Wisner, Colo. Allison—*Orange*.

Judge Graham, Colo. Drake, Colo. Van Cortlandt, Major Lockwood, Mr. Morris—*Westchester*.

Mr. Smith, Mr. Miller, Mr. Hobart—*Suffolk*.

Mr. R. R. Livingston, Mr. Gilbert Livingston, Capt. John Lenk—*Dutchess*.

Colo. Williams, Major Webster—*Charlotte*.

Mr. Stevens—*Cumberland*.

A letter from Jacob Hornbeck, Esquire, chairman of the committee of Rochester, dated the 6th instant, enclosing the copies of a speech from the said committee to all the Esopus Indians and their chiefs, and Mightagh the sachem, and the answer from the Indians thereto, were respectively read and filed.

The House was informed that Abraham Lott, Esquire, late Treasurer of the Colony of New-York, is attending, pursuant to an order some time since passed for that purpose.

Ordered, That Mr. Cuyler, Colo. Livingston, and Judge Graham, be a committee to confer with Mr. Lott, and report thereon to the House.

Ordered, That the Treasurer of this State pay unto Colonel Robert Van Rensselaer and John Sloss Hobart, Esquire, or either of them, the sum of one hundred and twenty-three pounds two shillings and six pence for the expenses attending their journey to and from York Town, in Pennsylvania, and while there, on the public business as a committee of this Convention to meet the committees from the middle States, pursuant to the recommendation of the Honourable the General Congress.

Major Lockwood being in a bad state of health, has leave of absence.

Mr. Hobart having been long absent from his family, who are exposed to the ravages of the enemy, has leave of absence.

Resolved, That Messrs. Anthony Rutgers and Christopher Tappen, a committee appointed by this Convention for purchasing hemp, or either of them be empowered to draw out of the treasury of this State any sums, not exceeding in the whole four thousand pounds; and that they be accountable for the expenditure thereof: And further, that they be empowered to allow such commission (not exceeding three per cent) as they may think reasonable, to whom they may employ in making such purchases as aforesaid.

Resolved, That no unwrought hemp or hempen yarn be transported from this State without the express permission of the executive power thereof, under the penalty of £5

for every 100 wt. so transported, to be recovered in any court of record within this State.

Ordered, That the last mentioned resolve be published in the newspaper for three weeks successively.

Ordered, That the committee appointed to cause the hempseed to be transported to the places mentioned in the resolutions of the day of be empowered to furnish William Seely, of Orange county with eighty bushels thereof; and that they cause that quantity to be left for him at New-Windsor Landing.

Ordered, That the Treasurer of this State advance to Governeur Morris, Esq. the sum of four hundred pounds on account, to enable him to pay for a parcel of hempseed by him ordered to be purchased pursuant to a resolution of this House.

Resolved, That Major Lawrence and Capt. Rutgers, be a committee to confer with Colonel Robert Livingston on the subject of making field cannon out of wrought iron; and that the committee of correspondence be directed to write to Colonel Hamilton for his opinion on the usefulness of such artillery.

The committee to whom was referred the letter from Brigadier-General George Clinton, delivered in their report, and thereupon, the House came to the following resolutions, to wit:

WHEREAS it appears that a great part of the militia of Dutchess county have neglected to obey the orders of General Clinton, issued in consequence of a resolve of this House for calling out a part of the militia of the counties of Ulster, Orange and Dutchess, to garrison the forts and guard the passes in the Highlands.

Resolved, That Major Lawrence and Mr. Zephaniah Platt be, and they are hereby appointed a committee to repair forthwith into Dutchess county, to inquire into the reasons of such neglect; that they use their utmost endeavours to convince the people of the necessity of exerting themselves at this critical juncture; and that they make report to this Convention with all convenient despatch, in order that the most effectual measures may be taken to induce a compliance with the said resolve.

Resolved, That General Clinton be, and he hereby is empowered to make such dispositions with respect to the officers of the militia under his command as he shall judge most advancive of the public service; and where any extra expense shall accrue in consequence of this resolve which cannot be considered as a Continental charge, this Convention will pay the same.

An account of the expenses attending a guard of six men, employed by the committee of Kingston, over a parcel of Continental powder and stores, brought to this place from Philadelphia, to be forwarded to Albany, was presented for payment.

Ordered, That the said account be referred to the Auditor-General, who is directed to examine and audit the same, or so much thereof as to him may appear to be reasonable for payment; and that the same be charged to Continental account. Adjourned till afternoon.

THURSDAY AFTERNOON, *April* 24, 1777.

The Convention met pursuant to adjournment.

PRESENT—Colo. Van Cortlandt, *Vice-President*.

Col. Lott, Capt. Rutgers, Mr. Dunscomb, Mr. Harper, Major Van Zandt, Mr. John Van Cortlandt—*New-York*.

Mr. Gansevoort, Mr. Abraham Yates, Mr. Adgate, Mr. Cuyler, Col. Livingston, Mr. Bleecker—*Albany*.

Mr. Wisner, Mr. Jos. Smith, Colo. Allison—*Orange*.

Mr. Stevens—*Cumberland*.

Mr. Harper—*Tryon*.

Colo. Williams, Major Webster—*Charlotte*.

Mr. Hobart, Mr. Smith, Mr. Tredwell, Mr. Miller—*Suffolk*.

Colo. Van Cortlandt, Colo. Drake—*Westchester*.

Mr. Rea, Mr. Cantine, Major Tappen—*Ulster*.

Major Landon, Capt. John Schenk, Mr. R. R. Livingston, Mr. G. Livingston—*Dutchess*.

Mr. John Van Cortlandt requested leave of absence to return to his family, who, with effects, are very much exposed to the enemy. Granted.

Colonel Allison presented to the House an account, wherein he charges the Convention, in sundry sums, to the amount of £7 10*s*. 4*d*. by him advanced to persons as expresses on the public service, while he was stationed with the militia in Bergen county, and gives credit to the amount of £32 7*s*. 3*d*. for wheat, &c. belonging to disaffected persons, subjects of this State then in New-York, which leaves a balance of £24 15*s*. 11*d*. in favour of the State.

Ordered, That the Auditor-General of this State be directed to examine and audit Colonel Allison's account, and that the balance be paid into the Treasury of this State.

Ordered, That the Treasurer of this State pay to John Dumont, Esquire, the sum of £37 14*s*. 0*d*. for sundry expresses to Head-Quarters, by order of the committee of correspondence, as certified by Colonel Allison, chairman; also the further sum of £3 12*s*. 0*d*. for the expense of supporting Ann Anderson, a necessitous person from New-York, by order of the committee for providing for the indigent inhabitants who fled from the city of New-York, as also certified by Colonel Allison, chairman of said committee.

Ordered, That the Treasurer of this State pay unto Henry Wisner, Esquire, the sum of three pounds, to reimburse him for so much paid an express to the different furnaces in New-Jersey, for the purpose of procuring cannon ball for the forts in the Highlands.

Ordered, That the Auditor-General of this State be directed to audit Colonel Henry B. Livingston's account of moneys to him advanced by this State, on account of bounty for his regiment; that he receive the receipts offered by Colonel Livingston, (and which he hath taken from the different officers of his regiment, to whom he hath paid the same,) as vouchers, and that he give the Colonel a discharge for so much as he shall account for as aforesaid.

Ordered, That Mr. Tredwell, Mr. Abraham Yates and Colonel Allison, be a committee to prepare and report a plan for the support of such inhabitants of this State as have been, or may be driven from their habitations by the enemy, and are unable to maintain themselves.

Ordered, That Mr. Gilbert Livingston be appointed on the committee to confer with Colonel Livingston relative to iron field pieces, in the stead of Major Lawrence.

Resolved, That Colonel Allison and Colonel Hathorne be appointed to receive from General George Clinton, the hogshead of tea now in his possession, taken at Hackensack new bridge some time in January last, by a party of the said Colonel's regiments of militia in General Clinton's brigade, and that they deal out one pound of the said tea to each of the officers and privates of the said regiments, who were, or had been, in actual service before the taking of the said tea, and did not desert the said service, or have not heretofore had a share of the said tea, they paying at the rate of six shillings per pound for the same.

The committee appointed to confer with Mr. Lott, the late Treasurer, requested the sense of the House as to what time Mr. Lott should charge his salary as Treasurer; thereupon it was agreed that Mr. Lott be allowed his salary to the seventeenth day of September last.

The said committee brought into Convention a parcel of counterparts of five shilling bills, emitted by order of the Lieutenant-Governor, Council and General Assembly of the Colony of New-York, on 31st May, 1709, delivered to them by Mr. Lott, with a request to know what shall be done therewith.

Ordered, That they be burnt in the presence of the Vice-President.

A letter from General McDougall, dated yesterday, relative to calling out the militia to reinforce the forts and passes in the Highlands, and of several of the enemy's ships being at or about Fort Washington, was read and

committed to Mr. Landon, Mr. Gansevoort and Mr. William Smith.

In the said letter were enclosed the proceedings of a general court martial, held at Peekskill, for the trial of several persons, to wit: John Williams, charged with holding a treacherous correspondence with the enemy, and enlisting men in their service; Job Babcock, charged with the like crimes; Anthony Hill, charged with the like crimes, and Thomas Barker, charged with repairing to the enemy's standard, writing to others to do the like, pointing out the houses of the good people of this State, desiring the enemy to burn them, and for other treacherous correspondence with the enemy. The three former are sentenced to be hanged, and the latter is acquitted. Also an account of seven pipes of wine in the possession of Thomas Kenney, Esquire, the property of Mr. Hamilton Young, of New-York, which, according to the said account, were appraised and sold for £486, York money, was also read and filed.

Ordered, That Mr. Kenney do pay the said sum of £486 to Gerard Bancker, Esquire, Vice-Treasurer of this State, to be deposited in the Treasury of this State.

Ordered, That the consideration of the proceedings of the court martial be postponed till to-morrow.

FRIDAY MORNING,
April 25, 1777.

The Convention met pursuant to adjournment.

PRESENT—Colonel Van Cortlandt, *Vice-President*.

Major Van Zandt, Mr. Van Cortlandt, Mr. Harper, Colo. Lott, Mr. Bancker, Mr. Dunscomb, Mr. Beekman, Genl. Scott, Col. Brasher—*New-York*.

Mr. Harper—*Tryon*.

Colo. Williams, Major Webster—*Charlotte*.

Mr. Adgate, Mr. Abrm. Yates, Mr. Bleecker—*Albany*.

Mr. Jos. Smith, Colo. Allison—*Orange*.

Mr. Hobart, Mr. Smith, Mr. Miller, Mr. Tredwell—*Suffolk*.

Colo. Drake, Major Lockwood, Colo. Van Cortlandt, Mr. Morris—*Westchester*.

Mr. Stevens—*Cumberland*.

Mr. Rea, Mr. Cantine, Colo. De Witt—*Ulster*.

Mr. Landon, Mr. G. Livingston, Mr. R. R. Livingston—*Dutchess*.

A letter from the Honourable Francis Lewis, dated the , acknowledging the resolution of Convention, directing him to attend Convention; that he will attend as soon as possible; and enclosing a receipt from Capt. Samuel Tudor for ten thousand dollars, for defraying the expenses incident to the frigates at Esopus, to be delivered to Convention, were respectively read, and the consideration thereof postponed.

A letter from the Reverend Doctor Rogers, dated the 19th instant, Philadelphia, acknowledging the receipt of the resolution appointing him chaplain to the Convention, and that he will wait on Convention as soon as possible, was read.

A letter from Comfort Sands, Esquire, Auditor-General, dated this day, enclosing a receipt from the Vice-Treasurer, in the words following:

"I do acknowledge to have received from Mr. Comfort Sands, pay rolls, and other accounts of moneys paid by him to the militia of the counties of Dutchess and Westchester, pursuant to a late order of Convention, to the amount of eight thousand eight hundred and five pounds eighteen shillings and five pence halfpenny.

"GERARD BANCKER.

"*Kingston, April* 23, 1777."

Mr. Sands informs that the balance of the order for ten thousand pounds, which he received for the purposes mentioned in the said receipt, he has repaid into the treasury; that he is now going into Orange county, to settle with the militia there, and requests that Mr. Bancker may be directed to go with him, and pay such accounts as he may audit, and assist him in the settlement of those accounts; otherwise, that he be furnished with a new order for £5,000, to pay the militia in Orange county.

Ordered, That Mr. Sands be empowered to employ a clerk to assist him in the settlement of those accounts, as Mr. Bancker's presence from this place cannot possibly be dispensed with.

Ordered, That the Treasurer of this State advance to Comfort Sands, Esquire, the sum of £5,000, to enable him to pay off the militia in Orange county.

Mr. Sands further informed the House that it is now just nine months since his appointment to the office of Auditor-General, and requests an order on the Treasurer for the payment of his salary.

Ordered, That the Treasurer pay to Comfort Sands, Esquire, the sum of £225, for nine months' pay of his salary, to this day.

Resolved, That Mr. Sands be directed to audit the account of Captain Vail's company, and give him an order for so much money as is justly due for the time that the company were in actual service.

The petition of Robert Richardson, a discharged soldier of Colonel H. B. Livingston's regiment, praying for maintenance, was read, and referred to Colonel Williams and Major Webster.

FRIDAY AFTERNOON, *April* 25, 1777.

The Convention met pursuant to adjournment.

PRESENT—Colo. Van Cortlandt, *Vice-President*.

Colo. Lott, Colo. Brasher, Mr. Jno. Van Cortlandt, Mr. Bancker, Mr. Dunscomb, Capt. Rutgers, Mr. Harper—*New-York*.

Mr. Harper, Mr. Newkerk—*Tryon*.

Mr. Miller, Mr. Tredwell, Mr. Smith—*Suffolk*.

Mr. Adgate, Mr. Abraham Yates, Mr. Cuyler, Mr. Gansevoort, Mr. Bleecker—*Albany*.

Mr. Landon, Capt. Schenk, Mr. G. Livingston—*Dutchess*.

Major Tappen, Colo. De Witt, Mr. Rea—*Ulster*.

Mr. Wisner, Mr. Josa. Smith—*Orange*.

Col. Williams, Major Webster—*Charlotte*.

Colo. Van Cortlandt, Judge Graham, Colo. Drake—*Westchester*.

An account of Charles Giles, keeper of the jail in Kingston, for dieting sundry disaffected persons confined in the said jail, was read, and committed to Major Tappen and Mr. Ray.

Mr. Adgate, chairman of the committee appointed to make assays in the discovery of lead, sulphur and flints, reported the proceedings of said committee. The same were read and the consideration thereof postponed.

The committee to whom were referred the letters from the Honourable John Hancock, and William Duer, Esquire, together with the enclosures, reported a set of resolutions.

Those directing the committee of arrangement to report a list of the officers by them commissioned, and directing the colonels to make returns of their respective regiments, as also the draft of a letter to the Honourable William Duer, in answer to his of the instant, were respectively agreed to, and ordered to be transmitted. The residue of the said report, respecting the classing the exempts from the militia, for the purpose of furnishing recruits for the Continental regiments raising in this State, was postponed for further consideration.

SATURDAY MORNING,
April 26, 1777.

The Convention met pursuant to adjournment.

PRESENT—Colonel Van Cortlandt, *Vice-Presidt.*

Mr. Dunscomb, Mr. Bancker, Major Van Zandt, Colo. Lott, Mr. Harper, Mr. Beekman—*New-York*.

Mr. Harper, Mr. Newkerk—*Tryon*.

Colo. Williams, Mr. Webster—*Charlotte*.

Mr. Adgate, Mr. Abm. Yates, Mr. Bleecker, Mr. Gansevoort—*Albany*.

Colo. Allison, Mr. Josa. Smith—*Orange.*
Mr. Smith, Mr. Tredwell, Mr. Miller—*Suffolk.*
Colo. Drake, Colo. Van Cortlandt, Judge Graham—*Westchester.*
Mr. Stevens—*Cumberland.*
Mr. Rea—*Ulster.*
Mr. Landon, Capt. Schenk—*Dutchess.*

A letter from William Bedlow, dated at New-Windsor, the 17th instant, was read, and is in the following words, to wit:

"*New-Windsor, April* 23, 1777.

"SIR—By order of Brigadier-General George Clinton, I have sent up Captain Samuel Clark, to the Honourable Convention of this State, requesting the further supply of two thousand pounds for the use of the works carrying on here, to obstruct the navigation of Hudson's river at Pollepel's island.

"I am, with respect, sir,
"Your humble servt.
"WILLIAM BEDLOW.

"To PIERRE VAN CORTLANDT, Esquire,
President of the Honble. Convention
of the State of New-York."

Thereupon,

Ordered, That the Treasurer of this State advance to Capt. William Bedlow the further sum of two thousand pounds, for the use of the works carrying on to obstruct the navigation in Hudson's river near Pollopel's island; that the said sum be delivered to Capt. Clark, taking his receipt to convey the same to Mr. Bedlow.

A letter from the chairman of the committee of Kingston, requesting an advance of £100, to defray the expense of the night watch over the State prisoners and public records, was read. And thereupon,

Ordered, That the Treasurer of this State advance to John Dumont, Esquire, chairman of the committee of Kingston, the sum of £100, to defray the expense of the night watch over the State prisoners and the public records, and take his receipt to account for the expenditure thereof.

A letter from Major-General Gates, dated at Albany, April 25th, acknowledging the receipt of the packages from Congress, and forwarded to him by Convention by an express, was read and filed.

The committee to whom was referred the petition of Robert Richardson, reported. And thereupon,

Ordered, That the Treasurer of this State pay to Robert Richardson, an infirm, discharged soldier of the Continental army, the sum of ten dollars, to enable him to go to Rhode island, in order to obtain a certificate of his having been disabled in the service, and thereby be entitled to the pension.

Adjourned till afternoon.

SATURDAY AFTERNOON, *April* 26, 1777.

The Convention met pursuant to adjournment.

PRESENT—Colo. Pierre Van Cortlandt, *Vice-President.*
Genl. Scott, Mr. Bancker, Colo. Lott, Major Van Zandt, Mr. Harper, Colonel Brasher—*New-York.*
Mr. Harper, Mr. Newkerk—*Tryon.*
Mr. Rea—*Ulster.*
Mr. Gansevoort, Mr. Cuyler, Mr. Abm. Yates, Mr. Bleecker—*Albany.*
Mr. Josa. H. Smith, Colo. Allison—*Orange.*
Judge Graham, Colo. Van Cortlandt, Colo. Drake—*Westchester.*
Mr. Smith, Mr. Miller—*Suffolk.*
Capt. Schenk, Mr. Landon—*Dutchess.*
Colo. Williams, Mr. Webster—*Charlotte.*
Mr. Stevens—*Cumberland.*

Mr. Frederick Jay, a member of the committee of Rumbout precinct, attending, with an account in gross of the said committee, for sundry expenses accrued in providing for the indigent persons of New-York, whereby there appears to be a balance due to the said committee of £58 6*s.* Mr. Jay further informs that there are sundry accounts against the said committee of the same nature, and therefore on behalf of the said committee requests an advance of a further sum. Thereupon,

Ordered, That the Treasurer of this State advance to Mr. Frederick Jay, for the use of the said committee, the further sum of one hundred pounds, towards the provision for such of the indigent persons of New-York as were committed to their care; and that the said committee render a particular account, with proper vouchers, of the expenditure of this, as well as the sums heretofore advanced them for the same purpose.

MONDAY MORNING,
April 28, 1777.

The Convention met pursuant to adjournment.

PRESENT—Genl. Ten Broeck, *President.*
Mr. Harper, Colo. Lott, Major Van Zandt, Mr. Dunscomb, Colo. Brasher, Mr. Bancker—*New-York.*
Mr. Harper—*Tryon.*
Judge Graham—*Westchester.*
Genl. Ten Broeck, Mr. Adgate, Mr. Gansevoort, Mr. Bleecker, Mr. Cuyler, Mr. Abrm. Yates—*Albany.*
Mr. Josa. H. Smith, Colo. Allison—*Orange.*
Colo. Williams, Major Webster—*Charlotte.*
Mr. Smith, Mr. Tredwell, Mr. Miller—*Suffolk.*
Major Landon—*Dutchess.*
Mr. Stevens—*Cumberland.*
Mr. Rea, Major Parks, Colo. De Witt—*Ulster.*

A letter from Brigadier-General George Clinton, dated the 26th instant, enclosing the following papers, to wit:

Copy of a letter from General Washington, dated the 23rd inst. to General McDougall, informing him of the supposed intended movements of the enemy. Also copies of two letters from General McDougall to General Clinton, the one dated the 21st, and the other the 23rd instant, informing of the enemy's ships being at Fort Washington, together with a return of the strength of the garrison of Fort Montgomery. The said letter and enclosures were read and filed.

Judge Graham presented to the House a letter he had just received from his brother, Colo. Morris Graham, in Dutchess county, informing of a party of the enemy's troops having landed in the Sound, and marched to Danbury; and that they have destroyed the Continental magazine of stores there. Colonel Graham desires the direction of the House whether he must march with the drafts to the forts and passes in the Highlands, agreeable to General Clinton's orders, or whether he should march with the militia towards Danbury?

The same being taken into consideration,

Resolved, That Judge Graham inform his brother, the colonel, that it is the sense of Convention that he ought to march to the Highlands, agreeably to General Clinton's orders.

A letter from Governor Trumbull dated the 16th instant, demanding a return of cannon lent to this State, by the State of Connecticut, was read, and committed to Mr. Robert R. Livingston, Mr. Jay and Major Tappen.

Resolved, That Colonel Curtenius be empowered and directed to purchase and procure for the use of the troops raising in this State, 3,600 canteens, 3,600 knapsacks and 3,600 overalls.

The President informed the House, that Colonel Van Schaick requests leather breeches and overalls for the men of his regiment.

Ordered, That Colonel Van Schaick be informed that there are leather breeches at this place, and frocks and overalls in store at Fishkill; and that if he sends his quarter-master to this place and Fishkill, the number of those articles required for his regiment will be delivered him.

The petition of Elizabeth Wiggins, praying that she may retain the personal property of her husband, who is gone

over to the enemy, and which is seized by the commissioners, was read, and taken into consideration.

Debates arose, and the question being put, whether the prayer thereof be granted, it was carried in the negative.

Adjourned till afternoon.

MONDAY AFTERNOON, *April* 28, 1777.

The Convention met pursuant to adjournment.

PRESENT—General Ten Broeck, *President.*

Colo. Lott, Mr. Dunscomb, Mr. Bancker, Mr. Harper, Colo. Brasher, Major Van Zandt, General Scott—*New-York.*

Mr. Josa. H. Smith, Colo. Allison—*Orange.*

Mr. Abm. Yates, Mr. Bleecker, Mr. Adgate, Mr. Cuyler, Mr. Gansevoort—*Albany.*

Mr. Harper—*Tryon.*

Mr. Smith, Mr. Miller, Mr. Tredwell—*Suffolk.*

Major Landon—*Dutchess.*

Colo. Williams, Major Webster—*Charlotte.*

Colo. De Witt, Major Parks, Mr. Rea—*Ulster.*

Judge Graham, Mr. Tompkins—*Westchester.*

Mr. Stevens—*Cumberland.*

The House taking into consideration the absolute necessity of raising a body of men to guard the Continental ships at Esopus Landing, and the public records and treasury of this State, against the designs of disaffected persons, as well as to guard the different passes and roads frequented by those persons, for the purpose of conveying intelligence and going over to the enemy. Thereupon,

Resolved, That a body of men be raised for the above purpose.

Debates arose as to the number of men necessary to be raised.

General Scott moved, and was seconded, that the number of men to be raised, be 200.

Debates arose, and the question being put, it was carried in the affirmative in manner following, to wit:

For the affirmative.		*For the negative.*	
Albany,	6	Charlotte,	2
New-York,	8		
Ulster,	4		
Suffolk,	4	Orange divided.	
	22		

Ordered, That Mr. Abm. Yates, Colonel De Witt and General Scott, be a committee to report an arrangement for the raising of the said 200 men, where, and in what manner they ought to be posted.

The committee appointed to confer with Abraham Lott, Esquire, late Treasurer, reported the conference had with him, which was read.

Ordered, That the same be committed to the same committee, with the addition of Mr. Tredwell.

Resolved, That Mrs. Clopper, the wife of Cornelius Clopper, with her daughter, be permitted to remove from Kingston to, and reside at Poughkeepsie, in Dutchess county, and take with them such of their servants and effects as shall be approved by the commissioners of Ulster county for disposing of the personal property of persons gone to the enemy.

The depositions of Ebenezer St. John and Andrew Ayres, taken before the committee of New-Marlborough precinct, against Samuel Townsend, a dangerous and disaffected person brought to this place by Lieutenant Potter, by order of the said commissioners, were read, and thereupon,

Ordered, That the said Samuel Townsend be committed to the jail of Kingston, until he be discharged by order of the executive power of this State; and

Ordered, That the Treasurer of this State pay to Nathaniel Potter, the sum of twenty-eight shillings for his expense and trouble in apprehending and conveying to this place, Samel Townsend, charged with notorious disaffection to the American cause.

Adjourned.

FRIDAY MORNING,

April 29, 1777.

The Convention met pursuant to adjournment.

PRESENT—General Ten Broeck, *President.*

Mr. Dunscomb, Mr. Bancker, Major Van Zandt, Mr. Harper, Colo. Brasher, Colo. Lott, Genl. Scott—*New-York.*

Mr. Harper, Mr. Newkerk—*Tryon.*

Colo. Drake, Mr. Tompkins, Judge Graham—*Westchester.*

Genl. Ten Broeck, Mr. Gansevoort, Mr. Cuyler, Mr. Abm. Yates, Mr. Bleecker, Mr. Adgate—*Albany.*

Mr. Clarke, Colo. Allison, Mr. Josa. H. Smith—*Orange.*

Mr. Stevens—*Cumberland.*

Mr. Tredwell, Mr. Miller, Mr. Smith—*Suffolk.*

Major Landon—*Dutchess.*

Colo. Williams, Mr. Webster—*Charlotte.*

Colo. De Witt, Major Parks—*Ulster.*

A letter from Egbert Benson and Melancton Smith, commissioners, &c. at Poughkeepsie, with the intelligence relative to the enemy's being at Danbury, and of their having destroyed the stores, &c. was read and filed.

The committee appointed to report a plan for the support of the indigent inhabitants, delivered in their report, which was read and recommitted with the addition of Colonel Brasher.

The House proceeded to the consideration of the proceedings of the general court martial, held at Peekskill, on the 13th and 18th days of April instant, for the trial of John Williams and others. The same were read throughout.

The said proceedings of the said court martial as far as relates to the trial of John Williams, charged with holding a treacherous correspondence with the enemy, and enlisting men in their service, and who is found guilty, and by the said court martial sentenced to be hanged by the neck till he is dead, were again read.

The same being taken into consideration, and the question put, whether the sentence of the said court martial against the said John Williams, ought to be confirmed, it was carried in the affirmative; and thereupon,

Resolved, That this Convention do approve the sentence of the said court martial, and that the same be, and is hereby confirmed.

The said proceedings of the said court martial, as far as relates to the trial of Job Babcock, charged with holding a treacherous correspondence with the enemy, and with having enlisted in their service, and who is found guilty, and sentenced by the said court martial to be hanged by the neck till he is dead, were again read.

The same being taken into consideration, and the question put, whether the sentence of the said court martial, against the said Job Babcock ought to be confirmed, it was carried in the affirmative; and thereupon,

Resolved, That this Convention do approve the sentence of the said court martial, and that the same be, and hereby is confirmed.

AND WHEREAS this Convention think it their duty in some cases, by extending mercy to mitigate the rigor of justice, and it appearing to this Convention that the said Job Babcock, though justly sentenced, is a person of a weak mind, and has probably been seduced by John Williams, who appears to have been his recruiting officer: It is therefore

Resolved, That the President do issue a pardon to the said Job Babcock, in the name and by the authority of this Convention, of the crime whereof he has been convicted as aforesaid: And that it be, and it is hereby recommended to Brigadier-General McDougall or other the commanding officer at Peekskill, to whom such pardon shall be remitted, to keep the same a secret until the prisoner shall have been brought to the place of execution, and until the other prisoner or prisoners to be led out to execution with him, shall have been executed.

The said proceedings of the said court martial, as far as relates to the trial of Anthony Hill, charged with holding a treacherous correspondence with the enemy, and being employed by them for the purpose of enlisting men into their service, and who is found guilty and sentenced by the said court martial to be hanged by the neck till he is dead, was again read, and the same being taken into consideration, the question was put, whether the sentence of the said court martial against the said Anthony Hill ought to be confirmed, it was carried in the affirmative: And thereupon,

Resolved, That this Convention do approve the sentence of the said court martial, and that the same be, and hereby is confirmed.

Ordered, That Mr. Adgate and Mr. Bleecker be a committee to audit Colonel Floyd's account for his attendance in the General Congress.

Adjourned till afternoon.

TUESDAY AFTERNOON, *April* 29, 1777.

The Convention met pursuant to adjournment.

PRESENT—General Ten Broeck, *President*.

Mr. Dunscomb, Mr. Bancker, Genl. Scott, Colo. Lott, Mr. Harper, Colo. Brasher—*New-York*.

Mr. Harper, Mr. Newkerk—*Tryon*.

Colo. De Witt, Major Parks—*Ulster*.

Genl. Ten Broeck, Mr. Gansevoort, Mr. Cuyler, Mr. Abm. Yates, Mr. Bleecker, Colo. Livingston, Mr. Adgate—*Albany*.

Colo. Williams, Major Webster—*Charlotte*.

Judge Graham, Colo. Drake, Mr. Tompkins, Mr. Morris—*Westchester*.

Mr. Smith, Mr. Tredwell, Mr. Miller—*Suffolk*.

Major Landon, Mr. R. R. Livingston—*Dutchess*.

Mr. Clarke, Mr. Josa. Smith—*Orange*.

Mr. Stevens—*Cumberland*.

A draft of the pardon directed this morning to be made out and signed by the President, for Job Babcock, who is sentenced by the general court martial to be hanged, was read, and approved.

Ordered, That the same be signed by the President, and attested by the Secretary, and transmitted to General McDougall.

The committee appointed to prepare a set of resolutions for raising 200 men in Ulster county, pursuant to the resolution of yesterday, delivered in the same, which were read, amended, and agreed to, and are in the words following, to wit:

"*Resolved*, That one hundred and ninety-eight able bodied men, well armed, and accoutred with a good musket or fusee, a sword or tomahawk, a powder horn and bullet pouch or cartouch box, be raised, to serve in the county of Ulster, to be divided into three companies, each company to consist of one captain, two lieutenants, four sergeants, four corporals, one fife or drum, and fifty-four privates; to continue in service until the 15th day of July next, unless sooner discharged by this Convention, the Committee of Safety, or future executive power of this State, to be subject to the order and direction of this Convention, the Committee of Safety, or future executive power of this State; and also to be subject to the Continental rules and articles of war. That they be entitled to Continental pay; and that the captains be allowed, each, eighteen shillings per week; the lieutenants, each, 15*s*. per week, in lieu of rations; and that the sergeants, corporals, fifers, drummers and privates, be allowed, each, twelve shillings per week, or Continental rations.

"*Resolved*, That the captains shall not be entitled to receive any pay or subsistence, until they produce a muster roll and certificate that he hath actually enlisted 29 men, to wit: two sergeants, two corporals, one fifer or drummer, and 24 privates, armed and accoutred as aforesaid: that in like manner, the lieutenants shall not be entitled to receive any pay or subsistence until they produce a muster roll and certificate of their having actually enlisted 18 men, to wit: one sergeant, one corporal and sixteen privates, respectively. That the said three companies be deemed one corps. That Evert Bogardus be captain; Edward Schoonmaker 1st lieutenant, and Cornelius Dubois 2nd lieutenant of one company. That Isaac Belknap be captain, Roosa 1st lieutenant, Abraham Schoonmaker 2nd lieutenant, of one other company. And that Frederick Schoonmaker be captain, Zacharias Hasbrouck 1st lieutenant, and John C. De Witt 2nd lieutenant of the other company. That the said officers hold rank with respect to each other as they heretofore did.

WEDNESDAY MORNING,

April 30, 1777.

The Convention met pursuant to adjournment.

PRESENT—General Ten Broeck, *President*.

Colo. Lott, Colo. Brasher, Mr. Harper, Major Van Zandt, Mr. Bancker, Mr. Dunscomb, Mr. Beekman, General Scott—*New-York*.

Mr. Harper, Mr. Newkerk—*Tryon*.

Genl. Ten Broeck, Mr. Adgate, Mr. Bleecker, Mr. Cuyler, Mr. Abm. Yates, Mr. Gansevoort, Colo. Livingston—*Albany*.

Mr. Josa. H. Smith, Mr. Clarke—*Orange*.

Judge Graham, Colo. Drake, Mr. Tompkins, Mr. Morris—*Westchester*.

Mr. Smith, Mr. Tredwell, Mr. Miller—*Suffolk*.

Major Landon, Mr. R. R. Livingston—*Dutchess*.

Colo. Williams, Major Webster—*Charlotte*.

Colo. De Witt, Major Parks, Major Tappen—*Ulster*.

A letter from Colonel Hazen, dated at Albany, the 24th instant, relative to Capt. Hamtramck, of Colonel Dubois's regiment, was read and filed.

Ordered, That a copy thereof be sent to Colonel Dubois, and that he be requested to communicate the same to Capt. Hamtramck, of his regiment.

A letter from Colonel Morgan Lewis, deputy quartermaster-general, dated at Albany, the 28th instant, requesting some junk from on board a brigantine at Esopus Landing, was read, and committed to Colonel Lott and Mr. Newkerk.

A letter from David Gelston, Esquire, enclosing a receipt signed by John Ruddock, D. C. artillery, at Fishkill, dated the 26th April instant, for ten barrels of powder of 190wt. each, belonging to this State, and which was sent from Saybrook, by Mr. Gelston, by order of Convention, was read.

Ordered, That the said letter and receipt be filed with the Auditor-General, and that the said powder be charged to the Continent.

The petition of Samuel Townsend, confined in Kingston jail for notorious disaffection, was read.

The petition of Benjamin Darby and eleven others, confined in the same jail, was read.

Ordered, That both the petitions be referred to Mr. Tredwell, Mr. Landon and Mr. Wisner.

The committee to whom was referred the account of Colonel Floyd for his attendance at the General Congress, delivered in their report, which was read and agreed to; and thereupon

Ordered, That the Treasurer of this State pay unto Colo. William Floyd, the sum of one hundred and thirty-five dollars in full, for the balance due him for his attendance at the General Congress as a Delegate for this State, up to this day.

The report of the committee for making discoveries and assays on lead, sulphur, flints and salt, was received and read.

Ordered, That the same be committed to Mr. Morris, Mr. Robert R. Livingston and Mr. Adgate.

Adjourned till afternoon.

WEDNESDAY AFTERNOON, *April* 30, 1777.

The Convention met pursuant to adjournment.

PRESENT—Brigadier-Genl. Ten Broeck, *Prest*.

Mr. Beekman, Mr. Bancker Major Van Zandt, Mr. Harper, Colo. Brasher, Colo. Lott, Mr. Dunscomb, General Scott—*New-York.*

Mr. Clarke, Mr. Josa. H. Smith—*Orange.*

Mr. Stevens—*Cumberland.*

Genl. Ten Broeck, Mr. Gansevoort, Mr. Abm. Yates, Mr. Adgate, Mr. Cuyler, Mr. Bleecker, Colo. Livingston—*Albany.*

Mr. Harper, Mr. Newkerk—*Tryon.*

Colo. De Witt, Major Parks, Major Tappen—*Ulster.*

Mr. Smith, Mr. Miller, Mr. Tredwell—*Suffolk.*

Major Landon, Mr. R. R. Livingston—*Dutchess.*

Maj. Webster, Colo. Williams—*Charlotte.*

Judge Graham, Mr. Tompkins, Colo. Drake, Mr. Morris—*Westchester.*

A letter from Jacob Hasbrouck, chairman of Marbletown committee, accompanying Corns. Sammons, who was apprehended as a very suspicious character and sent under guard to be dealt with by Convention.

Ordered, That he be brought up and examined. He being brought up, was examined, and says "that he knows Jacob Rosa, Jacob Midagh, Andries Keiser, negro of Gyzbert Rosa, John Rapelja, John Van Vliet, Silvester Vandermerken, Hendricus Crispell, William McGinnis, Cornelius Totlear, Hinpagh, William Tush, Junr. John Stokes, William Kelder, Jacobus Senigh, Thomas Crispell, Merkell, son of William, Longjaar, three from Schoharie, Frederick Keyser; that he was with those persons on his way with them to New-York; that he escaped from them; that he was taken prisoner by them, carried near Major Colden's, and then escaped with one Helder, a boy; that they took him near Jacob Seely's, at Marble Town; that his brother was gone before him; that Capt. Schoonmaker called him out to detect tories; that being apprehensive that his brother was among them, he could not bear to go, lest he might be obliged to fire upon his brother, or his brother upon him; that he then stepped on one side in the woods, where he met with Jacobus Rosa and the other persons, who took him and obliged him to go with them; that there were 36 men together with Rosa; that three of them were from Schoharie, who he did not know; that in crossing the kill, Jacobus took a man prisoner who was placed there as a guard, and obliged him to take an oath that he would not inform against them, and then let him go. Being asked why those persons went off to the enemy, he answered, that they thought the government of New-York could be easily conquered, for that the tories themselves could conquer it; that they got liquor when in the swamp near Colden's; that a man who he did not know brought it; that he knows not from whence; that he was a well set man and an Englishman; that the swamp they lay in is about 1½ miles from the widow Graham's; that the man who brought the liquor came to them twice; that he wore a short jacket; that the first time he came only to see them, and brought the rum the second time; that he has not heard Rosa say any thing about his future intentions, except that the regulars would be up soon by land and water, and that as so many deserted from here, they would not have much fighting; that they would come by land by the way of Goshen; that he expected they would be up by the beginning or middle of May; that Rosa supposed a part of the army would stay in Jersey to oblige General Washington to stay there, and while the rest of the army came up this way."

Ordered, That he withdraw. Being withdrawn,

Resolved, That the said Cornelius Sammons be pardoned for the offence wherewith he stands charged, and that he be called up and informed thereof from the chair, and that the oath of allegiance be tendered to him; but that previous thereto he be informed that he is not to take it unless he chooses to do it voluntarily and means honestly to perform it.

The said Cornelius Sammons being called up again, was informed that in consequence of his open confession, Convention have resolved to pardon him. The oath of allegiance being then tendered to him in manner as above directed, he readily and voluntarily consented to take the same. The same was accordingly administered to him, and he was thereupon discharged.

Ordered, That a copy of the said examination be transmitted to General George Clinton.

The House proceeded to the consideration of the report of the committee of the plan for organizing the form of government; the same was read.

The preamble and first resolution being again read, and the question put thereon, was agreed to.

Resolved, That the filling up the blank in the said resolution be postponed for the present.

The further consideration of the said report of the committee was postponed till to-morrow morning.

A letter from our Delegates in General Congress, to wit, Messrs. Phil. Livingston, Duane and Duer, dated Philadelphia, April 21, enclosing a copy of the letter from Thomas Young, dated the 11th and 12th of April, 1777, directed to the inhabitants of Vermont, a free and independent State, bounding on the River Connecticut and Lake Champlain, were read and filed.

A letter signed by his Excellency General Washington, and directed to Congress, came enclosed in the said letter from our Delegates by mistake.

Ordered, That the President read the said letter, and if it should appear to be on a subject of a secret nature and importance, that he immediately enclose it in a sealed cover and deliver it to the committee of correspondence, who are directed to transmit the same by the first safe conveyance to our Delegates in General Congress.

A letter from Egbert Benson and Melancton Smith, dated at Poughkeepsie, April 28, informing that their guards are destitute of ammunition, and requesting that 300lbs. of powder and a proportionate quantity of lead may be ordered for their use, was read.

Ordered, That the commissary of the military stores belonging to this State, at Fishkill, deliver to the order of the commissioners for detecting conspiracies, &c. 300lbs. of gunpowder and a proportionate quantity of lead.

A letter from Elias Boudinot, dated Morristown, April 17, informing of his being appointed a Commissary-General of prisoners in the army of the United States of America, and requesting that all accounts of expenses and disbursements (as well those that have already been paid, as those which are yet due) made by this State, in favour of such prisoners, with proper vouchers, together with the return of such prisoners as are at present in this State, with the particular places where they are confined, their rank, &c. be immediately transmitted to him, was read.

Ordered, That the said letter be delivered to the commissary of prisoners of war in this State.

A letter from William Williams, dated county of Cumberland, State of New-York, Wilmington, Apl. 18, 1777, was read and filed.

THURSDAY MORNING,

May 1, 1777.

The Convention met pursuant to adjournment.

PRESENT—Genl. Ten Broeck, *President.*

Genl. Scott, Colo. Lott, Capt. Rutgers, Mr. Dunscomb, Mr. Harper, Mr. Beekman, Major Van Zandt, Mr. Bancker, Colo. Brasher—*New-York.*

Mr. Stevens—*Cumberland.*

Major Tappen, Major Parks, Colo. De Witt—*Ulster.*

General Ten Broeck, Mr. Adgate, Mr. Abm. Yates, Mr. Cuyler, Mr. Gansevoort, Mr. Bleecker, Colo. Livingston—*Albany.*

Mr. Wisner, Mr. Clarke, Mr. Josa. Smith—*Orange.*

Mr. Morris, Judge Graham, Colo. Drake—*Westchester.*

Mr. Smith, Mr. Tredwell, Mr. Miller—*Suffolk.*

Mr. R. R. Livingston, Major Landon, Mr. G. Livingston—*Dutchess.*

Mr. Harper, Mr. Newkirk—*Tryon.*

Colo. Williams, Major Webster—*Charlotte.*

The representation and memorial of the committee of Orange county, relative to the militia in the said county,

was read and committed to General Scott, Mr. Abm. Yates, Colo. De Witt, Mr. Wisner and Mr. Tompkins.

The petition of Jona. Hasbrouck, Thomas Palmer and twelve others, freeholders, inhabitants and principal friends to liberty in the precinct of Newburgh, relative to the families of such persons as are gone over to the enemy, and whose personal property is about to be sold by the commissioners, and which families will in all probability be a precinct charge, was read.

Resolved, That the poor families of those who are gone over to the enemy, and whose estates have been or shall be sold by the commissioners appointed to dispose of the personal property of persons gone over to the enemy, shall not be suffered to be the particular burthen of the precinct in which they may have happened to live; and that Mr. Abm. Yates, Judge Graham and General Scott be a committee to draw up regulations for the making proper provision for such poor.

A letter from Henry Schenk, and a petition of John H. Sleght, relative to a house at the Landing, the possession of which a person refused to deliver up, were read.

Ordered, That Mr. Sleght be informed that Convention can not interfere, it being a matter of law.

The House proceeded to the consideration of the report of the committee for organizing the form of government.

That part of the said report which appoints a chancellor was then read.

Debates arose, and the question being put thereon, it was carried in the affirmative.

The clause for the appointment of a chief justice was read and agreed to.

The clause for the appointment of three puisne judges was read and agreed to.

The clause for the appointment of an attorney-general was read and agreed to.

The clause for the appointment of first judge and inferior judges of the quorum, sheriff and clerk for the county of Albany, was also read and agreed to.

The question was then put, whether similar officers shall be appointed in all the other counties not in the power of the enemy, and carried in the affirmative.

THURSDAY AFTERNOON, *May* 1, 1777.

The Convention met pursuant to adjournment.

PRESENT—General Ten Broeck, *President*.

Mr. Bancker, Mr. Dunscomb, Mr. Harper, Colo. Lott, Genl. Scott, Major Van Zandt, Mr. Bleecker—*New-York*.

Mr. Harper, Mr. Newkerk—*Tryon*.

Mr. Tappen, Major Parks, Mr. Cantine—*Ulster*.

Genl. Ten Broeck, Mr. Abm. Yates, Mr. Cuyler, Mr. Adgate, Colo. Livingston, Mr. Gansevoort, Mr. Bleecker—*Albany*.

Mr. Clarke, Mr. Josa. Smith, Mr. Wisner—*Orange*.

Major Lawrence—*Queens*.

Mr. G. Livingston, Mr. Robt. R. Livingston, Capt. Zeph. Platt—*Dutchess*.

Mr. Smith, Mr. Tredwell, Mr. Miller—*Suffolk*.

Colo. Drake, Mr. Tompkins, Judge Graham, Mr. Morris—*Westchester*.

Colo. Williams, Major Webster—*Charlotte*.

Mr. Stevens—*Cumberland*.

Resolved, That the exemption granted to the workmen employed in the Sterling iron works, be extended to nine months from this day, on their registering their names in manner as directed by resolution passed the twenty-third day of April last; and that their names be registered with the colonel of the district in which the work lies, instead of the brigadier-general of the county; which colonel is empowered to do all that was directed by the said resolutions to be done by the said brigadier-general, and to account in like manner for all money he shall receive.

DIE VENERIS, 9 HO. A. M.

May 2, 1777.

The Convention met pursuant to adjournment.

PRESENT—Genl. Abraham Ten Broeck, *Prest.*

Mr. Bancker, Colo. Brasher, Mr. Dunscomb, Capt. Rutgers, Mr. Harper, Colo. Lott—*New-York*.

Major Lawrence—*Queens*.

Mr. Wm. Harper, Mr. Newkerk—*Tryon*.

Mr. Stevens—*Cumberland*.

Genl. Ten Broeck, Mr. Cuyler, Mr. Gansevoort, Mr. Bleecker, Mr. Abm. Yates, Colo. Livingston, Mr. Adgate—*Albany*.

Mr. Jos. H. Smith, Mr. Clarke—*Orange*.

Mr. Morris, Judge Graham, Colo. Drake, Mr. Tompkins—*Westchester*.

Mr. Miller, Mr. Smith, Mr. Tredwell—*Suffolk*.

Mr. Gilbt. Livingston, Mr. Zephaniah Platt, Mr. R. R. Livingston, Major Landon—*Dutchess*.

Colo. Williams, Major Webster—*Charlotte*.

Major Tappen, Mr. Cantine, Major Parks—*Ulster*.

A letter from Egbert Benson and Melancton Smith, commissioners, &c. dated yesterday, informing of the enemy's having landed at Horse Neck; and that the said commissioners have written to Colo. Swartout, advising him to call out the militia, was read.

Ordered, That the President answer the letter by informing the gentlemen, commissioners, that the House approve of their conduct in advising Colonel Swartout to call out the militia, and requesting them to employ riders, and communicate the earliest intelligence they may receive of the movements of the enemy, to Convention.

A letter from Brigadier-General Bayley, dated at Newbury, April 22, 1777, was read and filed. General Bayley, among other things, by desire of the committee of Gloucester county, recommends that Colonel Peter Olcott, Colonel Jacob Kent and Major Israel Smith, be appointed commissioners for disposing of the personal property of persons gone over to the enemy.

Ordered, That the said letter be referred to Mr. Morris and Mr. Gilbert Livingston, to report thereon. And,

Resolved, That Colonel Peter Olcott, Col. Jacob Kent and Major Israel Smith, be and are hereby appointed commissioners to take into their custody the effects of such persons of Gloucester county as are gone over to the enemy, and that the said commissioners be vested with the like powers and authority, and under the like regulations, as the commissioners appointed in other counties in this State, by the resolutions of this Convention, made and passed on the 6th and 21st days of March last.

A letter, without date, from Brigadier-General Jacob Bayley, James Clay and John Sessions, Esquires, commissioners appointed to settle with and pay the rangers in Cumberland and Gloucester counties, enclosing the pay and subsistence rolls, and sundry other papers relative thereto, were read, and committed to Mr. Platt, Mr. Adgate and Colonel Brasher.

Ordered, That the Treasurer of this State pay unto Mr. John H. Sleght the sum of four pounds fourteen shillings, in full for his account for storing goods in his house, by order of the late clothing committee.

Mr. Morris delivered in the report of the committee for ways and means, for encouraging the manufacturing of lead, gun flints, sulphur and salt.

Ordered, That the said report lie on the table, to be taken up as soon as possible.

Ordered, That Mr. Cantine and Major Tappen be a committee to examine one Davis, relative to a conspiracy at Rochester and Shandaken.

FRIDAY AFTERNOON, *May* 2, 1777.

The Convention met pursuant to adjournment.

PRESENT—General Ten Broeck, *President*.

Genl. Scott, Colo. Brasher, Mr. Bancker, Mr. Dunscomb, Major Van Zandt, Colo. Lott, Mr. Beekman, Mr. Harper—*New-York*.

Mr. Wisner, Mr. Josa. Smith, Mr. Clarke—*Orange*.

Col. De Witt, Major Parks. Major Tappen—*Ulster*.

Genl. Ten Broeck, Mr. Abm. Yates, Mr. Bleecker, Mr. Cuyler, Mr. Adgate, Mr. Gansevoort, Colo. Livingston—*Albany*.

Mr. Newkerk, Mr. Harper—*Tryon*.

Major Lawrence—*Queens*.

Mr. Smith, Mr. Tredwell, Mr. Miller—*Suffolk*.

Capt. Platt, Colo. Humphrey, Major Landon, Mr. G. Livingston, Mr. R. R. Livingston—*Dutchess*.

Mr. Stevens—*Cumberland*.

Colo. Williams, Major Webster—*Charlotte*.

Colo. Drake, Judge Graham, Mr. Tompkins, Mr. Morris—*Westchester*.

Resolved, That Johannes Martin, who is confined in the jail at Kingston, be discharged.

WHEREAS a number of artful and designing persons, in every county within this State, are daily endeavouring, by exaggerating accounts of the power of the enemy, and other wicked and criminal practices, to work upon the fears of weak and timid persons, and to betray the liberty of this country: Therefore,

Resolved, That a committee be appointed to prepare any two or more of the vessels, now lying in Hudson's river, for the reception of such persons as may be sent thereto, and that Captains Benson and Castle, or either of them, be directed to see the said vessels properly guarded by the privateers, of which they have the command; and that they suffer no person to go on board the said vessels who is not properly authorized thereto.

Resolved, That the commissioners for detecting and defeating conspiracies, &c. be directed to cause to be apprehended such of the persons in each county whose characters are suspicious, and who, by their influence in the county in which they reside, may be supposed dangerous to this State, and send them on board of the said vessels, appointing a commissary to provide them with provisions, at their own expense.

Resolved, That every person who shall be found on shore, after having been confined on board of the said vessels, or either of them, without being properly discharged, shall be deemed guilty of felony, without benefit of clergy. and on conviction before the said commissioners, who are hereby directed and empowered to issue a summons to the sheriff, or other officer, to empanel a jury for their trial, shall be immediately executed.

Resolved, That this Convention will defray the expense attending the procuring and fitting the said vessels.

Resolved, That Mr. Gilbert Livingston and Major Lawrence be the committee.

SATURDAY MORNING,

May 3, 1777.

The Convention met pursuant to adjournment.

PRESENT—Genl. Ten Broeck, *President*.

Mr. Dunscomb, Mr. Bancker, Mr. Harper, Colo. Brasher, Major Van Zandt, Genl. Scott, Mr. Beekman—*New-York*.

Mr. Harper, Mr. Newkerk—*Tryon*.

Mr. Morris, Mr. Tompkins, Judge Graham, Colo. Drake—*Westchester*.

Genl. Ten Broeck, Mr. Gansevoort, Mr. Cuyler, Mr. Abm. Yates, Mr. Adgate—*Albany*.

Mr. Josa. Smith, Mr. Wisner, Mr. Clarke—*Orange*.

Mr. Cantine, Major Tappen, Major Parks, Colo. De Witt—*Ulster*.

Mr. Tredwell, Mr. Smith, Mr. Miller—*Suffolk*.

Mr. R. R. Livingston, Mr. Landon, Mr. G. Livingston, Capt. Platt—*Dutchess*.

Colo. Williams, Major Webster—*Charlotte*.

Mr. Stevens—*Cumberland*.

A letter from Colonel Lewis Dubois, dated at Fort Montgomery yesterday, complaining of the rank of the officers of his regiment, was read and committed to Mr. Harper, Mr. Cuyler and Colonel De Witt.

A letter from John Coe, Esquire, chairman of the committee of the south part of Orange county, complaining of the distresses of many of the inhabitants in that part of the county, by having the Continental troops (who were passing through) quartered on them, many of which troops were sick, and for which the said inhabitants have not received satisfaction, was read and committed to Mr. Robert Harper and Mr. Josa. H. Smith.

A letter from General George Clinton, dated at Fort Montgomery, the 2nd instant, enclosing the proceedings of a general court martial, held at Fort Montgomery, April 30th, and May 1st, 1777, for the trial of Jack, a negro man, slave of Gysbert Rosa, charged with levying war against the State of New-York within the same, with being an enlisted soldier in the service of the King of Great Britain; William McGinnis charged with levying war against the State of New-York, with being adherent to the King of Great Britain, and with being an enlisted soldier in the service of the King of Great Britain, when owing allegiance to the State of New-York; John Van Vliet, charged with the like crimes; Cornelius Furler, charged with the like crimes; William Teets, charged with the like crimes; Coenradt Mysener, charged with the like crimes; Andries Keyser, charged with the like crimes; John Rapalye, charged with the like crimes; Sylvester Vandermarken, charged with the like crimes; Jacobus Rosa, charged with the like crimes, as well as that of enlisting men in the service of the King of Great Britain; Jacob Middagh, charged with the like crimes, excepting that of enlisting men in the service of the King of Great Britain; Jacobus Longyou, charged with the like crimes; Hendrick Crispell, charged with the like crimes; Alexander Campbell, charged with holding correspondence with the enemies of the American States, giving them intelligence, and adhering to and giving them aid and comfort, and secreting them; Arthur McKenny, charged with the like crimes, excepting that of secreting them; Isaac Lockwood, charged with attempting to join the enemy; Silas Gardner, charged with levying war against the United States of America, holding correspondence with, and assisting the enemies of the said States; and Daniel Reynolds and Peter Aldridge, charged with harbouring the enemies of the United States, were respectively read.

The said proceedings being again read, it appears that the said Jack, the negro man, slave of Gysbert Rose, Daniel Reynolds and Peter Aldridge, were by the said court martial acquitted of the charges brought against them respectively, and that the said Hendrick Crispell was excused from a trial on the said charges, in order that he might be made use of as an evidence on behalf of the State, against other criminals brought before the said court. That John Van Vliet, William McGinnis, Cornelius Furler, William Teets, Coenradt Mysener, Andries Keyser, John Rapelye, Sylvester Vandermerken, Jacobus Rosa, Jacob Middagh, Jacobus Longyou, Alexander Campbell, Arthur McKenny and Silas Gardner, are by the said court martial adjudged guilty of the crimes wherewith they severally stood charged, and sentenced to be hanged by the neck till they be dead; and that the said Isaac Lockwood be close confined in a common jail during the present war with the kingdom of Great Britain, or until he shall be discharged by proper authority.

The said proceedings, with the acquittals and sentences, being maturely considered, and the question put on each of them respectively, whether the Convention doth approve of the conduct of the said court martial in the acquittals and sentences above mentioned, it was carried in the affirmative, except in the case of Alexander Campbell, which was carried in the negative. Jacobus Longyou and Cornelius Furler, being tenants for life on lands of Mr. R. R.

Livingston, he was excused from voting on their cases. Thereupon,

Resolved, That this Convention doth approve of the conduct of the said court martial in their several and respective acquittals and sentences aforesaid, against the above mentioned criminals respectively, except in the case of the said Alexander Campbell, (whose sentence is hereby reversed) and that the same be and hereby are confirmed.

And whereas this Convention think it their duty, in some cases, by extending mercy, to mitigate the rigour of justice; and the said William Tiets being by the said court martial recommended as a proper object of mercy, in consideration of his extreme youth, and it appearing that he has been deluded, his severe compunction for his crimes, and his apparent ignorance: It is therefore,

Resolved, That the President do issue a pardon to the said William Tiets, in the name and by the authority of this Convention, of the crimes whereof he has been convicted as aforesaid.

And whereas the said Hendrick Crispell was, by the said court martial, excused from a trial of the crimes whereof he stood charged before the said court martial, in order that he might be made use of as a witness against other criminals brought before the the said court: Therefore,

Resolved, That the President do issue a pardon to the said Hendrick Crispell, in the name and by the authority of this Convention, of the crimes whereof he stood charged as aforesaid.

Resolved, That Genl. George Clinton be requested to cause the said presons to be executed at such places as he in his discretion shall think proper.

"*To all to whom these presents shall come:*

"I, Abraham Ten Broeck, Esquire, President of the Convention of the State of New-York, send greeting:

"Whereas William Tiets, an inhabitant of this State charged with levying war against the State of New-York, within the same, and with being adherent to the King of Great Britain, and with being an enlisted soldier in the service of the King of Great Britain, whilst owing allegiance to the State of New-York, was on the thirtieth day of April last past convicted of the said charge by sentence of a general court martial, held on the said day at Fort Montgomery, in the county of Orange, in pursuance of certain resolutions of the said Convention, in such case made and provided, and was then and there by the sentence of the said court martial adjudged for the offence aforesaid to be hanged by the neck till he should be dead: And whereas, also Hendrick Crispell, an inhabitant of the said State, charged with the aforesaid crimes, was by the said general court martial acquitted of the said charge, and admitted as an evidence on behalf of the said State: And whereas the said Convention have on this day maturely revised the said sentence against the said William Tiets, and have confirmed the same; yet nevertheless have resolved to extend mercy to the said William Tiets, in respect to the crime aforesaid whereof he is convicted, and to pardon the said Hendrick Crispell of the crimes whereof he stood charged; and have authorized me, the said President, to issue to the said William Tiets and Hendrick Crispell, in the name and by the authority of the said Convention, a pardon of the crimes whereof they were convicted and stood charged as aforesaid: I therefore, in the name and by the authority aforesaid, do hereby fully and freely remit and pardon unto the said William Tiets and Hendrick Crispell, the crime and punishment whereof and for which the said William Tiets was convicted and subjected; and the crimes whereof the said Hendrick Crispell stood charged as aforesaid. In witness whereof I have hereunto set my hand in Convention at Kingston, in the county of Ulster, this third day of May, in the year of our Lord one thousand seven hundred and seventy-seven.

"By his Honour's command,

"ROBT. BENSON, *Secry.*"

228

Saturday Afternoon, *May* 3, 1777.

The Convention met pursuant to adjournment.

Present—Genl. Ten Broeck, *President.*

Genl. Scott, Mr. Dunscomb, Mr. Harper, Mr. Bancker, Mr. Beekman, Colo. Brasher. Major Van Zandt—*New-York.*

Mr. Harper, Mr. Newkerk—*Tryon.*

Colo. De Witt, Major Tappen, Mr. Cantine—*Ulster.*

Genl. Ten Broeck, Mr. Abm. Yates, Mr. Cuyler, Mr. Gansevoort, Mr. Adgate—*Albany.*

Mr. Wisner, Mr. Jos. Smith, Mr. Clarke—*Orange.*

Mr. Morris, Colo. Drake, Judge Graham, Mr. Tompkins—*Westchester.*

Mr. Smith, Mr. Treadwell, Mr. Miller—*Suffolk.*

Mr. R. R. Livingston, Mr. G. Livingston, Major Landon, Capt. Platt—*Dutchess.*

Mr. Stevens—*Cumberland.*

Resolved, That the committee of the precinct of Rhinebeck, in the county of Dutchess, and the committee of the precinct of Walkill, in the county of Ulster, and the committee of the precinct of Cornwall, in the county of Orange, be directed to raise a company in each of the said precincts to continue in service till the first day of July next, unless sooner discharged, consisting of one lieutenant, three sergeants and twenty-four privates, in order to guard the several powder mills in each of the said precincts.

Resolved, That the officers be allowed Continental pay, and fifteen shillings per week for rations, and the non-commissioned officers and privates, Continental pay and twelve shillings per week for rations, and be under the command of the proprietors of the said mills.

Resolved, That the committees above named call out a part of the militia of the said precincts to mount guard at the said mills, till the said companies are completed, and that they be also under the command of the proprietors of the said mills, and be allowed the above pay and subsistence.

The House being informed of an intended insurrection in the manor of Livingston, thereupon,

Resolved, That a committee of three be appointed to go to Rhinebeck precinct, in Dutchess county, and to the manor of Livingston, and take the most effectual measures to quell any insurrections in the said places; and that they be vested with power to call upon the militia for any assistance that they may find necessary for the purpose.

Resolved, That Zephaniah Platt, Robert R. Livingston and Matthew Cantine, Esquires, be the committee.

A draft of a letter to Colo. Robert Van Rensselaer, in the words following, to wit, was read and approved:

"Sir—Having received information of an insurrection projected by the disaffected in the manor of Livingston, which the Convention conceive may be easily stopped, if spirited measures are speedily used. You are therefore requested to march immediately a body of one hundred men that may be depended upon to Harman Pests, at Roelof Jansen's kill, where you will receive directions from a committee."

Whereas divers persons in the county of Dutchess, have associated in the manner following, to wit: "Whereas doubts have arisen whether persons who have heretofore held military commissions, or having commissions, are, notwithstanding, at present without any command, should be obliged to serve in the militia: And whereas it is frequently suggested that such persons avail themselves of their commissions, and use them as pretexts to avoid doing duty; and that persons beyond the age of fifty years, and others exempted by law from serving in the militia also in many instances improperly avail themselves of this advantage: In order, therefore, to prevent such suggestions and suspicions, as far as they personally respect us, and to convince the world that we are always, and especially at this important crisis, ready to turn out in defence of our country, and hazard our lives, and bear our equal burthen with the rest of community, we, the subscribers, residing in the county of Dutchess, having heretofore held commissions, or now holding commissions as aforesaid, or being

beyond the age of fifty years, or otherwise exempted from serving in the militia, do hereby voluntarily associate and engage, that we will forthwith provide ourselves with arms, accoutrements and ammunition; that we will, upon an alarm, immediately repair to such place of rendezvous as shall be appointed; that we will, whenever drafts are to be made from the militia, contribute our proportion of men, to be commanded by their own officers; and that we will be under the command of officers to be elected from our own body." AND WHEREAS many others are desirous of associating in the like manner, therefore,

Resolved, That this Convention doth highly approve thereof, and that the persons therein described who shall so associate together, be exempted from all other duty in the militia.

Ordered, That the Treasurer of this State advance to Simon Stevens, Esquire, a member in this Convention for the county of Cumberland, on the credit of the said county, the sum of sixty pounds, and that Mr. Stevens do account with the committee of the said county for the same.

The House proceeded to the consideration of the temporary form of government.

Mr. Gansevoort moved, and was seconded, that the Council of Safety consist of fifteen members.

The question being put thereon, it was carried in the affirmative.

The House then proceeded to elect the members by counties.

The votes being taken, the following gentlemen were elected by a majority of the votes of the counties present, to wit: John Morin Scott, Robert R. Livingston, Christopher Tappen, Abraham Yates, Junr. Governeur Morris, Zephaniah Platt, John Jay, Charles De Witt, Robert Harper, Jacob Cuyler, Thomas Tredwell, Pierre Van Cortlandt, Matthew Cantine, John Sloss Hobart and Jonathan G. Tompkins.

The counties then proceeded to elect by ballot the chancellor.

The votes are as follows:

For Genl. Scott.		*For R. R. Livingston.*	
New-York,	8	Albany,	6
Suffolk,	4	Dutchess,	5
Orange,	3	Westchester,	4
	—	Ulster,	4
	15	Charlotte,	2
			—
			21

Whereupon Mr. Robert R. Livingston was declared elected chancellor.

They proceeded in like manner to elect the chief justice. The votes are as follows:

For Genl. Scott.		*For Mr. Jay.*	
New-York,	8	Dutchess,	5
Orange,	3	Albany,	6
Suffolk,	4	Westchester,	4
	—	Ulster,	4
	15		—
Charlotte divided.			19

Whereupon Mr. Jay was declared elected chief justice.

They also proceeded in like manner to elect two puisne judges.

Votes for puisne judges.

	Mr. R. Ya'e	*Mr. Hobart.*	*Genl. Scott.*
New-York,	8	.....	8
Albany,	6	.....	6
Suffolk,	4	.....	4
Ulster,	4	.....	4
Dutchess,	5	5	.....
Westchester,	4	.....	4
Charlotte,	2	.....	2
Orange,	3	.....	3
	—	—	—
	36	5	31

The House proceeded to settle the rank of the puisne judges.

1st.—Genl. Scott.

Suffolk,	Dutchess,
Albany,	Ulster,
Orange,	Charlotte,
New-York,	Westchester.

Genl. Scott immediately signified his disinclination to execute the office of one of the puisne judges; and, therefore refused to accept the office.

The House then proceeded to the election of attorney-general, viz:

For Egbert Benson.

Dutchess,	Albany,
New-York,	Orange,
Ulster,	Suffolk,
Westchester,	Charlotte.

Mr. Benson was elected.

SUNDAY MORNING,

May 4, 1777.

The Convention met pursuant to adjournment.

PRESENT—Genl. Ten Broeck, *President*.

Genl. Scott, Major Van Zandt, Mr. Dunscomb, Mr. Bancker, Mr. Harper, Colo. Brasher—*New-York*.

Mr. Harper, Mr. Newkerk—*Tryon*.

Genl. Ten Broeck, Mr. Abm. Yates, Mr. Adgate, Mr. Gansevoort—*Albany*.

Mr. Josa. Smith, Mr. Clarke—*Orange*.

Mr. Stevens—*Cumberland*.

Mr. Smith, Mr. Miller, Mr. Tredwell—*Suffolk*.

Mr. Webster, Colo. Williams—*Charlotte*.

Major Tappen, Col. De Witt—*Ulster*.

Judge Graham, Mr. Morris, Mr. Tompkins—*Westchester*.

A letter from the committee of Amenia precinct, and a letter from Colo. Sutherland, of Charlotte precinct, were received, brought by Captain Delavan, who being called up, gave the House the following information on the subject of the said letters, viz:

"That a part of the militia of Amenia precinct, who were ready to march to oppose the enemy, who, 'twas said, had landed at Horse Neck, being informed of the cruel ravages of the enemy at and near Danbury, by throwing some of the friends to liberty in the fire, killing two ladies on the road, &c. were so exasperated thereby, as to refuse going to the southward, and to determine to go and take vengeance on the disaffected persons in that quarter."

Capt. Delavan further informs, "That the disaffected persons are very numerous in the southern parts of Dutchess county, and that without doubt they will fall on the whigs whenever the enemy attack our army at Peekskill, or at the forts in the Highlands. They, therefore, request Convention to take some measures in the premises." Thereupon,

Resolved, That Mr. Jay, Colo. Thomas and Colo. Luddington be appointed commissioners to prevent, quell and subdue all insurrections and disaffection in the counties of Dutchess and Westchester; and to take every measure for that purpose which they shall deem necessary; and that they coöperate with Messrs. Robert R. Livingston, Zephaniah Platt and Matthew Cantine, a committee appointed yesterday, for the like purpose in the manor of Livingston and Rhinebeck precinct.

Resolved, That the said commissioners immediately collect, with the assistance of Genl. McDougall, or Genl. George Clinton or from the militia of the county of Dutchess, whichever to them shall appear most expeditious, a force sufficient for the purposes aforesaid; and also, to comply with the following instructions, to wit:

"GENTLEMEN—You are to begin in the southern part of the county of Dutchess and proceed to the northward, and in your progress secure the disaffected, call out the whole militia, and destroy all such as shall be found in arms to oppose you.

"When you shall meet with the committee above mentioned, you are, in concert with them, to secure the prisoners you shall have respectively made, to dismiss such of the militia as you may think proper, and with the remainder march into the county of Westchester, by diffe-

rent ways, concerting, at the same time, such measures with Genl. McDougall, or other the commanding officer at Peekskill, as will effectually clear the said county of Westchester of all dangerous and disaffected persons.

"You are on every occasion, by every means in your power, (torture excepted) to compel the discovery and delivery of all spies or other emissaries of the enemy, who you may have reason to believe are concealed in any part of the country through which you make your progress, and upon due proof immediately execute them *in terrorem*."

Resolved, That a copy of the foregoing resolutions and instructions be immediately transmitted to Messrs. Livingston, Cantine and Platt, and the further instructions following, to wit:

"GENTLEMEN—You are hereby instructed to conform yourselves to the resolutions herewith transmitted to you; and having cleansed the manor of Livingston and Rhinebeck precincts of the disaffected and dangerous inhabitants, to proceed to the southward until you meet with the commissioners in the said resolutions mentioned, conducting yourselves according to the instructions and with the several powers unto them given; and when you shall meet with the said commissioners, you are immediately to form with them a proper plan for the purposes mentioned in the said instructions to them, and endeavour to carry such plan into immediate execution."

Resolved, That the said instructions be not considered as so binding upon the said committee or commissioners, but that they may be at liberty to vary from them according as circumstances may, in their judgment, respectively require.

Resolved, That this Convention will defray the expense which may accrue by virtue of the aforegoing resolutions.

Resolved, That copies of the several pieces of intelligence received by the Convention relating to the matters and things aforesaid, be immediately sent to the said committee and to the said commissioners.

SATURDAY AFTERNOON, *May* 4, 1777.

The Convention met pursuant to adjournment.

PRESENT—Genl. Ten Broeck, *President*.

Genl. Scott, Mr. Dunscomb, Mr. Bancker, Major Van Zandt, Colo. Brasher, Mr. Harper—*New-York*.

Major Webster—*Charlotte*.

Genl. Ten Broeck, Mr. Gansevoort, Mr. Abm. Yates—*Albany*.

Mr. Harper, Mr. Newkerk—*Tryon*.

Mr. Stevens—*Cumberland*.

Mr. Tredwell, Mr. Smith, Mr. Miller—*Suffolk*.

Mr. Morris, Mr. Tompkins, Judge Graham—*Westchester*.

Major Tappen, Colo. De Witt—*Ulster*.

Mr. Clarke, Mr. Josa. Smith—*Orange*.

A letter from our Delegates at Congress, dated April 29, informing of the languor that prevails in the State of Pennsylvania, and enclosing a copy of the deposition of a person lately come out of New-York, was read and committed to Mr. Morris and Colo. Brasher.

A letter from General Lewis Morris, dated Philadelphia, April 19, apologizing for not attending Convention, pursuant to their order, was read.

Resolved, That the President inform General Morris by letter, that the House will dispense with his attendance for the present.

WHEREAS William Smith, who was yesterday elected a member of the Council of Safety, is very disagreeably circumstanced by having his family and estate in the power of the enemy on Long island; especially, as in all probability, the said Council will, at this important crisis, be under the necessity of making use of very spirited measures, which probably will expose his said family to the particular resentment of the enemy: Therefore,

Resolved, That Mr. Smith be excused from serving as a member of the said Council of Safety, and that another member be immediately elected in his stead.

The House accordingly proceeded to the election of another member in the stead of Mr. Smith, and Mr. Hobart was unanimously elected.

MONDAY MORNING,

May 5, 1777.

The Convention met pursuant to adjournment.

PRESENT—Genl. Ten Broeck, *President*.

Mr. Bancker, Mr. Harper, Mr. Dunscomb, Major Van Zandt, Colo. Brasher, General Scott, Mr. Beekman—*New-York*.

Colo. Williams, Maj. Webster—*Charlotte*.

Genl. Ten Broeck, Mr. Abm. Yates, Mr. Gansevoort—*Albany*.

Mr. Morris, Judge Graham, Mr. Tompkins—*Westchester*.

Mr. Smith, Mr. Tredwell, Mr. Miller—*Suffolk*.

Mr. Clarke, Mr. Josa. Smith—*Orange*.

Mr. Stevens—*Cumberland*.

Maj. Tappen, Colo. De Witt—*Ulster*.

Mr. Harper, Mr. Newkerk—*Tryon*.

Mr. Morris informed the House that General McDougal, by letter to him, requests Convention to procure for him one hundred dollars in gold or silver.

Resolved, That Gerard Bancker, Esquire, procure one hundred dollars in gold or silver for the immediate and pressing service of this State, and the well affected inhabitants are requested to afford him every assistance in their power for the purpose aforesaid.

The House being informed that Colo. De Witt, a member of this House, is detained in custody of a guard of militia at this place,

Ordered, That the doorkeeper wait on Colonel De Witt and inform him that his attendance, as a member, is immediately required in this House.

Colo. De Witt came in and informed the House that he was this morning, by a guard of the militia under the command of Capt. Gerardus Hardenberg, taken into custody as one of the delinquents who have not furnished a draft from the militia.

WHEREAS this House is informed that Capt. Gerardus Hardenberg hath presumed to imprison a member of this Convention:

Resolved, That the said Gerardus Hardenberg do immediately attend this House.

Capt. Hardenberg attending, and being asked by what authority he took Colonel De Witt, a member of this House, into custody, says he did it by authority of the warrant by him produced to the House, which is as follows, to wit: "By virtue of brigade orders just now received, I strictly command you to cause the deficiency of the drafts of your company lately ordered to be raised to reinforce the garrison of Fort Montgomery, to be delivered to me at Kingston by Monday next, at ten o'clock in the morning. You must apprehend those persons as are hereunder mentioned, they being the defaulters in your company, and bring them to me. Likewise to appear here personally, and bring with you a true list of all the men now under your command. Hereof you are not to fail upon your peril.

"Given under my hand at Kingston, this 30th day of April, 1777.

"JONATHAN ELMENDORPH, *Colo.*

"Charles De Witt, Elias Degremo, Peter Degremo, Robert Phœnix, Abraham Dubois, John Newkerk, Elias Teerpenning."

Capt. Hardenberg being asked whether by the warrant he observed any thing charging those persons with any crimes or misdemeanors, says he did not think so far; says he has seen the militia law. Being asked how Colonel De Witt's name originally came to be put on that list, says he don't know; the colonel must know that; he thought it his duty to obey all orders from his superior officers.

Capt. Hardenberg, by order, withdrew.

Ordered, That Colonel Elmendorph be requested to attend this House this afternoon at 4 o'clock, and that Capt. Hardenberg do attend until further orders.

A letter from General George Clinton, dated at Fort Montgomery, the 4th instant, enclosing the names of the traitors who were going to join the enemy; of persons aiding and comforting them; also, the copy of a letter from Lieut. Colonel Cooper, dated at Sidman's Clove, the 3rd inst. was read and filed.

Mr. Morris informed the House that Mr. Bancker, agreeably to order, has procured the one hundred dollars in specie for General McDougall.

Ordered, That Mr. Bancker transmit the same by express to General McDougall.

The House proceeded to the further consideration of the temporary form of government, and elected the following persons judges of the inferior court for Albany county, viz: Volkert P. Douw, first judge; Jacob C. Ten Eyck, Abraham Ten Broeck, Henry Bleecker, Walter Livingston, John H. Ten Eyck, quorum.

Mr. Abraham Yates produced a paper of the committee of Albany, dated 14th June, 1776, signed by Abm. Yates, Junr. chairman, and attested by Matthew Visscher, secy. recommending Henry I. Wendell for sheriff, and Matthew Visscher for clerk of the said county.

Debate arose thereon as to the propriety of reading the same.

The question being put, it was carried for the reading it, in manner following, to wit:

For its being read.		*Against it.*	
New-York,	8	Westchester,	4
Albany,	6	Ulster divided.	
Suffolk,	4		
Charlotte,	2		
	—20		

The said paper was accordingly read.

The House then proceeded to the appointment of a sheriff for Albany county, and Mr. Henry I. Wendell was unanimously elected.

Adjourned till afternoon.

MONDAY AFTERNOON, *May* 5, 1777.

The Convention met pursuant to adjournment.

PRESENT—General Ten Broeck, *President.*

Genl. Scott, Mr. Dunscomb, Mr. Bancker, Mr. Beekman, Mr. Harper, Mr. Van Zandt—*New-York.*

Mr. Wm. Harper—*Tryon.*

Genl. Ten Broeck, Mr. Gansevoort, Mr. Abrm. Yates—*Albany.*

Judge Graham, Mr. Tompkins, Mr. Morris—*Westchester.*

Colo. Williams, Major Webster—*Charlotte.*

Mr. Miller, Mr. Tredwell, Mr. Smith—*Suffolk.*

Mr. Clarke—*Orange.*

Colo. De Witt, Mr. Tappen—*Ulster.*

Mr. G. Livingston—*Dutchess.*

A petition (in Dutch,) from Isaac Low, confined in the jail of this place, praying to be released, was read and ordered to lie on the table.

A letter from Messrs. Platt, Cantine and Robt. R. Livingston, the committee appointed to repair to Rhinebeck and the manor of Livingston, to quell an insurrection in those places, was read.

Ordered, That General Scott draft an answer to the said letter and report the same.

Lieutenant-Colo. Elmendorph, according to the order of this morning, attended, and was asked several questions; he produced a list of the delinquents of Colonel Snyder's regiment, as the same was transmitted by Colonel Snyder to him, in which list the name of Charles De Witt was mentioned as one. Colo. Elmendorph produced to the House Colo. Snyder's orders for apprehending the said delinquents. Capt. Hardenberg being called up, was asked whether Charles De Witt's name was in the list of the delinquents of his company, which was by him transmitted to Colo. Snyder; he answered "No," but that Colo. De Witt's negro Peet was put on the said list. Lieutenant-Colo. Elmendorph and Capt. Hardenberg were dismissed till further order.

Resolved, That General George Clinton be requested to direct Colonel Johannes Snyder to attend this House without delay, to answer for a breach of privilege offered to Charles De Witt, Esquire, a member of this House.

General Scott, according to order, reported the draft of a letter to the committee sent to Rhinebeck and manor of Livingston, which was read and approved, and is in the words following, to wit:

"GENTLEMEN—The Convention have considered your letter by express, and are sorry to observe, that though the harvest will be large, the laborers are few; a part of three companies are gone over to you from this place; you will, by having recourse to the resolve which empowered you to act, see that the militia at large are subjected to your command; at the same time the Convention are well convinced that no more men than are already gone, can be spared from this quarter, and are therefore of opinion that if you want more assistance than you can obtain without weakening this part of the country, you should apply for the aid of the Connecticut militia, who, they have reason to believe, will gladly embrace the opportunity of strengthening your hands. As to the canoes which you suppose are made use of by the disaffected on this side of the river to pass over and increase the number of our internal enemies on the other side, the Convention are well informed that they are so much more within your than their reach, that they recommend it to you to secure them without delay."

"We are, &c."

A letter from the committee of Albany, dated yesterday, on the subjects of plots and insurrections in Albany county, enclosing a copy of a letter from Hezekiah Middlebrooks, chairman of Ballston committee, dated the 2nd instant, and directed to the committee of Saratoga, also a copy of a letter from John Younglove and George Palmer, dated the 3rd instant, and directed to the committee of Albany; also, a copy of a deposition dated the 3rd instant. and taken before George Palmer, the whole of them on the subject of plots and insurrections, were respectively read. Thereupon,

Resolved, That the committee of the counties of Albany, Tryon, Charlotte, Cumberland, Gloucester, Ulster and Orange, be requested and empowered to take the most effectual measures to prevent, suppress and quell all insurrections, revolts and disaffection within their respective counties, that they be empowered to call out the militia of their respective counties, and that they cause all such traitorous inhabitants of this State as shall be found in arms against the authority of the same, to be destroyed or otherwise effectually secured.

Resolved, That this Convention will defray the expense of executing the above resolution.

The House proceeded to the consideration of the temporary form of government, and appointed Melancton Smith sheriff of Dutchess county, John Thomas, Jr. sheriff of Westchester county, and Egbert Dumont sheriff of Ulster county.

Mr. Harper being the only member from Tryon county to nominate a person as sheriff for said county: Whereupon the House, by counties, elected Anthony Van Veghten, sheriff of Tryon county; Jesse Woodhull, sheriff of Orange county; Edward Savage, sheriff of Charlotte county; Paul Spooner, sheriff of Cumberland county.

TUESDAY MORNING,

May 6, 1777.

The Convention met pursuant to adjournment.

PRESENT—Genl. Ten Broeck, *President.*

Mr. Harper, Mr. Bancker, Major Van Zandt, Mr. Beekman, Mr. Dunscomb, Genl. Scott—*New-York.*

Col. Williams, Major Webster—*Charlotte.*
Genl. Ten Broeck, Mr. Gansevoort, Mr. Abm. Yates—*Albany.*
Mr. G. Livingston—*Dutchess.*
Mr. Stevens—*Cumberland.*
Judge Graham, Mr. Tompkins, Mr. Morris—*Westchester.*
Mr. Smith, Mr. Tredwell, Mr. Miller—*Suffolk.*
Mr. Clarke—*Orange.*
Colo. De Witt, Major Tappen, Major Parks—*Ulster.*
Mr. Harper—*Tryon.*

A petition of Messrs. Cumming, Cruikshanks, Munro, and Thurman, confined in Kingston jail, complaining of severe treatment of the Kingston committee, was read, and committed to Mr. Wm. Smith and Mr. Robert Harper.

An extract from the minutes of a meeting of the freeholders of the town of Brattleborough, holden on the 22d day of April, 1777, declaring their allegiance to this State, and appointing Israel Smith, Esquire, an agent to come to Convention, was read. Their instructions to the said agent were likewise read, and committed to Mr. Morris and Mr. Stevens.

Mr. Morris gave notice that he will, to-morrow morning, move for a resolution to abolish all quit rents in this State.

Resolved, That the committee and field officers of the county of Westchester be empowered to raise as many men as they can for the defence of the said county, and that this Convention will defray the expense thereof.

The committee appointed to examine and audit the account of Theodorus Brett, for his services and billeting, as an officer employed by the late committee for detecting and defeating all conspiracies, &c. reported that there appears to be due to Capt. Brett the sum of £69 9*s.* 10*d.* Thereupon,

Ordered, That the Treasurer of this State do pay unto Captain Theodorus Brett the sum of sixty-nine pounds nine shillings and ten pence, in full for the balance of his account for his services, &c. by order of the late committee, for defeating all conspiracies, &c. and take his receipt for the same.

The House proceeded to the consideration of the temporary plan of government.

Nathaniel Merrill appointed sheriff of Gloucester.

Voted that Ephraim Payne be 1st Judge of Dutchess county.

Zephaniah Platt and Anthony Hoffman, two other judges for the same county.

Voted that Lewis Morris be 1st judge of Westchester county.

Stephen Ward, Joseph Strang and Joseph Drake, three other judges for the same county.

Voted that Levi Pawling be 1st judge of Ulster county.

Dirck Wynkoop one other judge for the same county.

Tuesday Afternoon, *May* 6, 1777.

The Convention met pursuant to adjournment.

Present—Genl. Ten Broeck, *President.*
Major Van Zandt, Mr. Dunscomb, Mr. Beekman, Mr. Roosevelt, Mr. Harper, Genl. Scott—*New-York.*
Major Lawrence—*Queens.*
Mr. Stevens—*Cumberland.*
Genl. Ten Broeck, Mr. Abm. Yates, Mr. Gansevoort—*Albany.*
Mr. G. Livingston—*Dutchess.*
Mr. Harper—*Tryon.*
Colo. De Witt, Major Parks, Major Tappen—*Ulster.*
Mr. Wm. Smith, Mr. Miller, Mr. Tredwell—*Suffolk.*
Judge Graham, Mr. Morris, Mr. Tompkins—*Westchester.*
Colo. Williams, Major Webster—*Charlotte.*
Mr. Clarke, Mr. Wisner—*Orange*

A letter from the Honourable John Hancock, President, &c. dated April 29, enclosing extracts of a letter from General Gates to General Washington, dated Albany, April 19, 1777, relative to the state of the northern department; also the resolution of Congress of the 22d of April, recommending to the several States the ordering their statute laws, together with such discoveries and improvements as they have made in the art of war.

Also, several resolutions relative to reinforcing Ticonderoga, and a resolution of April 30th, directing the removing of all the grain from the banks of Hudson river, were respectively read and filed.

Ordered, That they be committed to General Scott, Mr. Morris and Mr. Jay.

Resolved, That in answer to so much of the said resolutions of the Honourable the Congress, of April 22nd, as relates to our discoveries in the art of war, the several late resolutions of this Convention for quelling the disaffected within this State be transmitted to our Delegates, together with this resolution: that the said Delegates be requested to recommend the same to the other American States, as the most effectual mode of succeeding in this just and necessary war.

Resolved, That it is the opinion of this Convention that the abandoning that part of the works of Ticonderoga which lies on the west side of Lake Champlain, will be productive of great evils to the United States of America.

Ordered, That a copy of this resolve be transmitted to General Gates.

Ordered, That the Treasurer of this State advance to Colonel James Hammon the sum of five hundred pounds on account, towards the payment of such of the militia of this State as were in service under his command; and that Colonel Hammon account for the expenditure of the same with the Auditor-General of this State.

Ordered, That the Treasurer of this State pay to Abraham Whitaker the sum of three pounds, for riding express to Claverack.

The committee to whom was referred the account of Charles Giles, for victualing the disaffected persons confined in the jail at Kingston, reported that there appears to be due to Mr. Giles the sum of £141 12*s.* 0*d.* Therefore,

Ordered, That the Treasurer of this State pay unto Charles Giles the sum of one hundred and forty-one pounds twelve shillings, in full for his account of victualing the disaffected persons confined in the jail of Kingston, agreeably to his account of the first instant.

Resolved, That Capt. Sylvester Salisbury, and the officers under his command, be at liberty to enlist out of the militia of foot in Ulster county, as many volunteers as will complete his company to the number of sixty privates.

Ordered, That commissions issue to John Roe, as cornet, and Abm. Van Gaasbeek, 1st quarter-master of the said company.

Whereas this Convention having information that the fleets and armies of the King of Great Britain did design to make an immediate incursion into the southern parts of this State, did, on the twenty-fifth day of March last, resolve as follows, to wit:

"*Resolved*, That Brigr. General George Clinton be and he is hereby authorized and required, either on the requisition of His Excellency General Washington or at his own discretion, to call into actual service all or any part or proportion of the militia, as well horse as foot, of the counties of Westchester, Dutchess, Ulster and Orange, or either of them, and that he station the said militia in such manner as may be most proper for the securing the posts and passes in the Highlands, and frustrating the attempts of the enemy to make incursions into this State, and that they be discharged as soon as the arrival of a sufficient number of Continental troops, or other contingency, shall render their continuance in the field unnecessary."

And whereas sundry of the exempts within the said counties have been ordered out by virtue of the said resolution, as in case of actual invasion, and divers complaints have been thereof made: And whereas, although the enemy should not make such immediate invasion as aforesaid, it is nevertheless just and right that the said exempts should contribute towards the defence of this State,

Resolved, That each of the said exempts who shall not be desirous of continuing in the service during the time for which a part of the militia of the said counties have been ordered out as aforesaid, upon payment of the sum of eight dollars, be discharged by the colonel of the regiment of drafts to which they do belong, and that all the moneys so paid shall be equally divided among the soldiers of the said militia now in service under the command of the said Genl. George Clinton.

WEDNESDAY MORNING,
May 7, 1777.

The Convention met pursuant to adjournment.

PRESENT—General Ten Broeck, *President*.

Mr. Jay, Mr. Bancker, Mr. Roosevelt, Mr Harper, Mr. Dunscomb, Major Van Zandt, Colo. Brasher, Mr. Beekman—*New-York*.

Mr. Wisner, Mr. Clarke—*Orange*.

Genl Ten Broeck, Mr. Abm. Yates, Mr. Gansevoort—*Albany*.

Mr. G. Livingston—*Dutchess*.

Colo Williams, Major Webster—*Charlotte*.

Major Tappen, Major Parks, Colo. De Witt—*Ulster*.

Mr. Smith, Mr. Tredwell, Mr. Miller—*Suffolk*.

Judge Graham, Mr. Tompkins, Mr. Morris—*Westchester*.

Mr. Stevens—*Cumberland*.

Mr. Harper—*Tryon*.

Major Lawrence—*Queens*.

Mr. Morris, agreeable to notice given, delivered in a resolution by him drawn up, for remitting all quit rents due, and forever abolishing all quit rents within this State. The same was read and taken into consideratin. After long debates,

Ordered, That the same be committed to Mr. Tredwell, Mr. Jay and Genl. Scott.

Resolved, That Melancton Smith, Esquire, be appointed a commissioner (in the stead of Mr. Jay, whose presence is necessarily required in Convention,) for executing certain resolutions of this State, passed the 4th instant, for preventing, quelling and subduing all insurrections in the counties of Dutchess and Westchester.

WEDNESDAY AFTERNOON, *May* 7, 1777.

The Convention met pursuant to adjournment.

PRESENT—General Ten Broeck, *President*.

Genl. Scott, Mr. Jay, Mr. Roosevelt, Mr. Harper, Mr. Dunscomb, Colo. Brasher—*New-York*.

Mr. Wisner, Mr. Clarke—*Orange*

Genl. Ten Broeck, Mr. Abm. Yates, Mr. Gansevoort—*Albany*.

Mr. G. Livingston—*Dutchess*.

Mr. Smith, Mr. Tredwell, Mr. Miller—*Suffolk*.

Judge Graham, Mr. Tompkins, Mr. Morris—*Westchester*.

Major Lawrence—*Queens*.

Mr. Harper—*Tryon*.

Major Tappen, Major Parks, Colo. De Witt—*Ulster*.

A draft of a letter to Brigadier-General George Clinton, relative to the prisoners sent from Fort Montgomery, and under sentence of death, was read and approved, and is in the words following, to wit:

"IN CONVENTION
"Of the State of New-York, at
"*Kingston, May* 7, 1777

"SIR—I am charged by Convention, to thank you for your attention to the public safety, and to acknowledge the delivery of the traitors sent to us under command of one of your officers. The Convention are entirely in opinion with you, that too much pains cannot be taken to prevent the execution of the designs of our internal enemies, whose characters they conceive to be of the most dangerous and malignant complexion. The Convention are fully convinced that you will do every thing in your power to secure the dispersed remains of Rosa's party, and are extremely disposed to cooperate with you for that purpose. Every expedient which you may think proper to propose for promoting this salutary end, will be seconded by their utmost exertions.

"I am directed by Convention, to inform you, that your treatment of Sammons needs no apology. They are fully sensible of your attachment to the public cause, and of your just sense of what is due to the supreme authority of the State, that they are incapable of putting misconstructions on your conduct: but as he has been pardoned by the Convention, it is their opinion that he ought to be discharged, after you shall have obtained from him such information as you shall deem sufficient.

"The Convention observe from your list, that twenty of those villains are still lurking about the country; if they could be apprehended, perhaps toryism might be cut up by the roots in Ulster county. We can assure you that vigorous measures are in actual execution for answering the salutary purpose on the other side of the river. Concerning Mr. Colden, the Convention do not consider him as a person guilty of any punishable crime since his permission from the commissioners for conspiracies to return home; but they conceive that his advice to the enemy's officer and his attendants about the means of their escape, has reiterated the evidence of his disaffection. In consequence of which, and to preserve his life against popular resentment, they have thought proper to confine him in jail; to this act of severity they were led, not only from a regard to his personal safety, but from a full conviction that had he been left at home, he could have done more mischief to the common cause than if he had been with General Howe.

"Whatever may be the grounds of Lieutenant-Colonel Cooper's apprehensions, the Convention hope they are imaginary; it is impossible for us to reinforce him. He is subject to your command: in respect to him, the Convention is convinced you or your brother will give him a line of conduct.

"The prisoners under sentence of death which you sent from Fort Montgomery, are, as you will find by the resolutions of Convention, already transmitted to you, subjected, as to their execution, to your orders; at present, they are extremely burdensome to the inhabitants, who keep a considerable guard over the jail to prevent a rescue. We detain your officer and guard here until we shall hear from you on this subject, which we wish may be as expeditious as possible.

"I am, &c.

"Brigr. Genl. GEO. CLINTON."

THURSDAY MORNING,
May 8, 1777.

The Convention met pursuant to adjournment.

PRESENT—Brig. Genl. Ten Broeck, *President*.

Mr. Bancker, Colo. Brasher, Mr. Roosevelt, Mr. Jay, Mr. Dunscomb, Mr. Harper, Major Van Zandt—*New-York*.

Major Tappen, Major Parks—*Ulster*.

Genl. Ten Broeck, Mr. Gansevoort, Mr. Abm. Yates—*Albany*.

Mr. Harper—*Tryon*.

Mr. Stevens—*Cumberland*.

Mr. Wisner, Mr. Clarke—*Orange*.

Mr. Smith, Mr. Miller, Mr. Tredwell—*Suffolk*.

Judge Graham, Mr. Morris, Mr. Tompkins—*Westchester*.

The committee to whom was referred the report of the committee appointed to confer with Abraham Lott, Esquire, late Treasurer of the Colony of New-York, delivered in their report, which was read and agreed to.

Resolved, That Mr. Robert R. Livingston be excused his further attendance on the committee appointed for quelling the insurrections in the manor of Livingston and Rhinebeck precincts, and that Mr. Cantine and Mr. Zeph. Platt, or either of them, be and are hereby empowered to execute the business to which the said committee are appointed.

Ordered, That Mr. R. R. Livingston be informed that his attendance at Convention is requested as soon as possible.

On application of Arthur Connelly, the following letter to General McDougall was read and agreed to, to wit:

"SIR—It has been suggested to Convention, the principal witness against John Williams bears an infamous character, and that it is probable his testimony may merit little credit, his friends offering to prove to you the prisoner's innocence, if time be given them. The Convention have determined to reprieve him for ten days from this day, and request the favour of your opinion respecting the disposition of him after that time, in order that if, on further inquiry, he should be thought an object of pardon, he may receive it; if not, that he may suffer the punishment due to his guilt."

Ordered, That the Treasurer of this State advance to Major Joseph Strang the sum of two hundred pounds, on account, towards the pay and subsistence of such of the militia of Westchester, under his command, as were called out to service in January last, and take his receipt, to account with the Auditor-General for the same.

Ordered, That the Treasurer of this State advance to the Honourable Henry Wisner, Esq. the sum of six hundred pounds, on account of saltpetre by him purchased in this State, by order of Convention, and take his receipt to account for the same.

DIE JOVIS, *P. M. May* 8, 1777.

The Convention met pursuant to adjournment.

PRESENT—Genl. Ten Broeck, *President*.

Genl. Scott, Mr. Bancker, Mr. Beekman, Colo. Brasher, Mr. Jay, Major Van Zandt, Mr. Harper, Mr. Dunscomb—*New-York*.

Mr. Lawrence—*Queens*.

Major Tappen, Major Parks—*Ulster*.

Genl. Ten Broeck, Mr. Bleecker, Mr. Gansevoort, Mr. Abm. Yates—*Albany*.

Mr. G. Livingston—*Dutchess*.

Mr. Wm. Harper, Mr. Newkirk—*Tryon*.

Mr. Jos. Smith, Mr. Wisner, Mr. Clarke—*Orange*.

Mr. Smith, Mr. Miller, Mr. Tredwell—*Suffolk*.

Mr. Tompkins, Judge Graham, Mr. Morris—*Westchester*.

Mr. Stevens—*Cumberland*.

A letter from Colonel John Broome, dated the 5th instant, relative to the vessel of war, the Montgomery, was received and read, as follows, to wit:

"*Hartford, May* 5, 1777.

"SIR—Capt. William Rogers, in the privateer sloop Montgomery, belonging to our State, arrived at New-Haven last week, and as I esteem that harbour at present a very unsafe one, I have ordered her round into Connecticut river, as high as Middletown.

"Capt. Rogers, on his passage from Baltimore, took a prize schooner laden with tobacco, bound to New-York, but was unluckily retaken by a man of war near Fisher's Island.

"The officer and four men of wars men which navigated the schooner, are brought in prisoners. I think it will be be best to fit out the Montgomery immediately, if provisions and other necessaries can be obtained; but the captain and men decline going until the former cruizes are settled. Capt. Rogers tells me he engaged in our service on the terms allowed by Congress, which at present I think is half the prizes, besides wages. Should be glad to know if the Convention understand the agreement in that light. I have not as yet had an opportunity of procuring Capt. Rogers' accounts, therefore don't know how much is due to him and the men. The privateer, I am informed, is considerably in debt for moneys advanced by order of her former agent, Mr. Hallet, towards fitting her out the last cruise at New-Haven. If Mr. Francis Lewis is returned to Convention, it will be necessary to send me a sufficiency of her prize money to settle the accounts and refit her; but in case he is not with you, I desire Convention will, without loss of time, order him to remit me a sufficiency for that purpose. I am the more urgent because there will be no chance of getting her out before the accounts are closed. Capt. Rogers tells me his prize sold at Baltimore rising £11,000 that currency, which is at the rate of 7*s*. 6*d*. per dollar. I imagine £7,000 is not more than will be necessary for the purposes above mentioned, should you direct me to allow half the prize money exclusive of wages. The captain tells me he received at Baltimore, from Mr. Lewis, about £700. I have just removed my family from the sea shore to this place, and allotted to have set out for Convention last week, but the landing of the enemy at Compoo and the arrival of Rogers prevented.

"I am, sir, your and
"Convention's humble servt.
"JAS. BROOME.

"*N. B.* If the salt brig is condemned and sold, Mr. Lewis must send me of her proceeds in nearly the same proportion with that of the other prize."

Ordered, That it be committed to Mr. Morris.

A letter from Major Ledyard, dated the 7th instant, praying to be placed in some other regiment, was read, as follows:

"MAY IT PLEASE YOUR HONOURS—It gives me the greatest pain that I am now under the disagreeable necessity of troubling your Honourable Body; but I hope for pardon, when I assure you it is with a sincere view to the good of the service. I am fully sensible of the honour done me by my late appointment to a majority in one of your regiments, and wish to acquit myself worthy the confidence you were pleased to repose in me, which I hope you will leave in my power by granting my request. I have been exceedingly ill treated by my colonel, Henry B. Livingston, Esq. for this some time past; twice arrested by him, and with much difficulty I have been able finally to get a trial; but then, in the most unprecedented manner, I was obliged to submit to his bringing against me all that he could make up from the time of my entering the regiment to the 2nd inst. when my last arrest was dated, or be put off perhaps again without satisfaction. I therefore agreed to it, and the sentence of the court martial was (as in yesterday's general orders) 'that the charges are groundless, and do therefore acquit him with honour.' It is not possible for me to serve in the regiment under his command, and do justice to it and my country; cheerfulness, unanimity and pleasure are wanting. I therefore beg your Honours will be pleased to remove me to the 2nd regiment of this State, commanded by Col. Van Cortlandt. I wish not to leave the service, but if this remove is thought inconvenient or improper, and I can serve in no other way than in the regiment he commands, I must beg, if it is still in your power, you will grant me leave to resign my commission.

"I have the honour to be,
"With the greatest respect,
"Your Honours most obt. servt.
"BENJ. LEDYARD,
"*Major 4th N. Y. Regt.*

"*Peekskill, May* 7, 1777."

Ordered, That it be committed to Mr. Morris.

A draft of an answer to Major Ledyard's letter, was read and approved of, to wit:

"SIR—Yours of the 7th instant hath been received and laid before the Convention. It gives them great concern to receive any complaints grounded upon the want of unanimity among the officers of this State, and they are unhappy that it is not in their power to remove the uneasiness which has arisen upon this occasion. But as the whole of this business is completed, it is now out of the hands of the Convention, nor can they with propriety interfere. An exchange, by consent, may doubtless be obtained with leave of the Commander-in-Chief, to whom alone application can, with propriety, be made on this subject. I am, &c.

"Major BENJ. LEDYARD."

Resolved, That Messrs. Gilbert Livingston, Jona. Lawrence and Peter P. Van Zandt, the committee appointed to provide vessels for the reception of such disaffected persons as may be sent on board to be confined, be empowered to appoint a commissary to provide provisions and other necessaries for the said prisoners.

Mr. Morris read a paragraph of a letter from General McDougall to him, wherein the General recommends to this Convention as an object of mercy and pardon, Anthony Hill, who was, on a charge of holding a treacherous correspondence with the enemy and of being employed by them for the purpose of enlisting men into their service, by a general court martial held at Peekskill on the 13th and 18th days of April last past, found guilty and sentenced to be hanged by the neck till he be dead, which said sentence was by this Convention approved and confirmed.

The same being taken into consideration,

Resolved, That the President do issue a pardon to the said Anthony Hill, in the name and by the authority of this Convention, of the crimes whereof he is convicted as aforesaid.

The committee appointed to examine the several pay and subsistence rolls of the companies of rangers raised in the counties of Cumberland and Gloucester, and other accounts of the said rangers as transmitted by the commissioners appointed to regulate the said companies of rangers, reported that they have examined the same, and that there appears to be due to the said commissioners on account of the said rangers, the sum of 13,430 dollars and 3*s*. 6*d*. to the 16th of April, 1777, including an account of Elkanah Day, of 23⅓ dollars by him advanced. Thereupon,

Ordered, That the Treasurer of this State pay unto Jacob Bayley, James Clay and John Sessions, Esquires, commissioners appointed to regulate and pay the rangers raised in the counties of Cumberland and Gloucester the sum of 13,430 dollars and 3*s*. 6*d*. and that the said Treasurer transmit the said sum by Mr. Wm. Wallace, who is sent by the said commissioners for that purpose, and take his receipt for the same.

Whereas a regard to the sacred cause we are engaged in, as well as common justice and humanity, dictate the propriety of adopting some mode of relief for such of the inhabitants of this State, as have, by the hand of tyranny and injustice, been driven from their habitations, and deprived of their substance, and thereby rendered unable to support themselves and families: Therefore,

Resolved, That in the county of Westchester, Zebediah Mills and Nathaniel Hyat, Esquires; in the county of Dutchess, Ezra Thompson and Frederick Jay, Esquires; in the county of Ulster, Cornelius C. Schoonmaker and John Slight, Esquires; and in the county of Orange, John Brewster and Teunis Cooper, Esquires, be, and they hereby are, appointed commissioners to take the general superintendence and care of all such poor as aforesaid on each of the respective counties for which they are appointed, and that the commissioners of any two or more counties agreeing, be authorized to remove said poor from one or either of such counties into another, and the commissioners of each of the said counties to remove them from one district to another, within the same county, for the convenience of keeping them employed, or supplying them with necessaries, and with such other things as they shall judge necessary for their comfortable subsistence, from time to time; and to keep them employed at such business as they shall be able to perform, and as the said commissioners shall judge to be most advantageous to the said poor and the public. Provided always, That no such removal, or residence, shall be construed to gain a right of settlement to any of such poor in the county to which they are, or shall be removed.

Resolved, That the commissioners for either, or any of the above counties, have power at their discretion to bind out to trades, or other occupations, the children of such of the said poor as were objects of the public charity, before they were driven from their habitations as aforesaid: Provided, That no male among such children be bound out for any longer time than until he shall arrive at the age of twenty-one years; nor female, than until she shall arrive at the age of eighteen: And that they assist such persons who, before they were driven from their habitations as aforesaid, were not indebted to the public charity, but were able to support their families by their own means and industry, in putting out their children to such places and employments, for such time or times, as the said parents shall consent to. And that the said commissioners do, from time to time, discharge from their care, and withhold the public benevolence from such persons as, in the judgment of said commissioners, shall be able to support themselves without it.

Resolved, That the said commissioners be allowed at, and after the rate of ten shillings per day for their expense and trouble in executing the aforegoing resolutions, while actually employed therein.

Resolved, That the commissioners of the poor, in each respective county, be empowered to draw upon the Treasurer for a sum not exceeding five hundred pounds for each county, to be accounted for by the said commissioners respectively.

The House proceeded to the consideration of the temporary plan of government.

On the last reading of the report, Mr. Van Zandt moved that Mr. Philip Livingston be appointed Senator, in the stead of Doctor John Jones, on account of Doctor Jones's bad state of health.

Mr. Jay, seconded by Mr. Morris, moved the following amendment: That Mr. Philip Livingston's name be inserted in the place of Mr. John Van Cortlandt.

The question being put, it was carried in the affirmative, viz:

For the affirmative.		*For the negative.*	
Ulster,	4	New-York,	8
Orange,	3	Suffolk,	4
Westchester,	4		12
Albany,	6		
	17		

Resolved, That Mr. Philip Livingston be appointed in the stead of Mr. John Van Cortlandt.

The plan for organizing government being finished, was read and agreed to, and is as follows, to wit:

"Whereas, until such time as the constitution and government of this State shall be fully organized, it is necessary that some persons be vested with power to provide for the safety of the same. Therefore,

Resolved, That John Morin Scott, Robert R. Livingston, Christopher Tappen, Abraham Yates, Junr. Governeur Morris, Zephaniah Platt, John Jay, Charles De Witt, Robert Harper, Jacob Cuyler, Thomas Tredwell, Pierre Van Cortlandt, Matthew Cantine, John Sloss Hobart and Jonathan Tompkins, or the major part of them, be, and they hereby are, appointed a Council of Safety, and invested with all the powers necessary for the safety and preservation of the State, until a meeting of the Legislature: Provided, That the executive powers of the State shall be vested in the Governor, as soon as he shall be chosen and admitted into office; previous to which admission, such Governor shall appear before the said Council, and take the oath of allegiance; and also the following oath of office, to be taken by the Governors and Lieutenant-Governors of this State, to wit:

"'I, , by the suffrage of the freeholders of the State of New-York, according to the laws and Constitution of the said State, elected to serve the good people thereof as their , do here solemnly, in the presence of that Almighty and eternal God, before whom I shall one day answer for my conduct, covenant and promise to and with the good people of the State of New-York, that I will in all things, to the best of my knowledge and ability, faithfully perform the trust, so as aforesaid reposed in me, by

executing the laws, and maintaining the peace, freedom, honour and independence of the said State, in conformity to the powers unto me delegated by the constitution; and I pray God so to preserve and help me, when in my extremest necessity I shall invoke His holy name, as I do keep this my sacred oath and declaration.'

"And whereas the appointment of officers in this State, is by the constitution thereof vested in the Governor, by and with the advice and consent of a council of appointment, which doth not, and cannot exist, until after an election of Representatives in Senate and Assembly.

"And whereas many of the said officers are necessary, not only for the immediate execution of the laws of this State, and the distribution of justice, but also for the holding of such elections as aforesaid. Therefore,

"*Resolved*, That the following persons be, and they hereby are appointed within this State, by authority of the same, to wit: That Robert R. Livingston be chancellor; John Jay, chief justice; Robert Yates and John Sloss Hobart, puisne judges; and Egbert Benson, attorney-general of this State. That Volkert P. Douw be first judge, and Jacob C. Ten Eyck, Abraham Ten Broeck, Henry Bleecker, Walter Livingston, and John H. Ten Eyck, the other judges for the county of Albany; and that Henry I. Wendell be sheriff, and Leonard Gansevoort, clerk of the said county. That Ephraim Paine be first judge, and Zephaniah Platt and Anthony Hoffman, the other judges for the county of Dutchess; and that Melancton Smith be sheriff and Henry Livingston, clerk of the said county. That Lewis Morris be first judge; Stephen Ward, Joseph Strang and Jno. G. Tompkins, the other judges for the county of Westchester; and that John Thomas be sheriff and John Bartow, clerk of the said county. That Levi Pawling be first judge, and Dirck Wynkoop, Junr. the other judge for the county of Ulster; and that Egbert Dumond be sheriff, and George Clinton, clerk of the said county. That be first judge, and the other judges of the county of Tryon; and that Anthony Van Veghten be sheriff, and clerk of the said county. That be first judge, and the other judges of the county of Orange; and that Jesse Woodhull be sheriff, and clerk of the said county. That William Duer be first judge, John Williams and William Marsh, the other judges for the county of Charlotte; and that Edward Savage be sheriff, and Ebenezer Clarke, clerk of the said county. That be first judge, the other judges of the county of Cumberland; and that Paul Spooner be sheriff, and clerk of the said county; and that be the first judge and the other judges for the county of Gloucester; and that Nathaniel Merrill be sheriff, and clerk of the said county. And further,

"*Resolved*, That each and every of the persons herein before appointed do, before the Council of Safety aforesaid, or such persons as shall be by them appointed, take and subscribe the following oath of allegiance, to wit:

"'I, do solemnly swear and declare in the presence of the Almighty God, that I will bear true faith and allegiance to the State of New-York, as a good subject of the said State, and will do my duty as such a subject ought to do.'

"And further, That every of the judicial officers above mentioned, do before he take upon him the exercise of his office, make the following oath, in manner above mentioned:

"'I, do solemnly swear and declare in the presence of the Almighty God, that I will, to the best of my knowledge and abilities, execute the office of within the State of New-York, according to the laws and Constitution of the said State, in defence of the freedom and independence thereof, and for the maintenance of liberty, and the distribution of justice among the subjects of the said State, without fear, favour, partiality, affection or hope of reward.'

"And also, that every of the sheriffs herein before named, do, before he exercise his said office, take in like manner, the following oath, to wit:

"'I, sheriff of the county of do solemnly swear and declare in the presence of Almighty God, that I will in all things, to the best of my knowledge and ability, do my duty as sheriff of the said county, according to the laws and constitution of this State of New-York, for the furtherance of justice, and in support of the rights and liberties of the said State and of the subjects thereof.'

"And that every of the clerks herein before named, do in like manner, take the following oath, to wit:

"'I, clerk of do solemnly swear and declare, in the presence of Almighty God, that I will justly and honestly keep the records and papers by virtue of my said office of clerk committed unto me, and in all other things, to the best of my knowledge and understanding, faithfully perform the duty of my said office of clerk, without favour or partiality.'

"And whereas it will be proper that all officers within this State be, as soon as possible, appointed, in the mode for that purpose prescribed by the constitution: Therefore,

"*Resolved*, That all and singular the officers herein before appointed, shall respectively hold their offices, according to the tenure of such offices respectively specified in the said constitution, if respectively approved of by the council for the appointment of officers, at their first session; at which session, such of the said officers as shall be approved of by the said council, as aforesaid, shall receive their commissions in proper form: It is nevertheless provided, that every of the persons herein before named, who held the like office with that so as aforesaid conferred upon him, under authority derived from the King of Great Britain, during good behaviour, shall continue to hold the said office, so long as he shall well and faithfully perform the duties of such office.

"And whereas no permanent provision could with propriety be made in the constitution of this State for the mode of holding elections within the same, such provisions being properly within the power of the Legislature, and depending from time to time upon the situation and circumstances of the State: And whereas it is necessary to point out some mode by which elections for a Governor, Lieutenant-Governor, and members of the Legislature may be held within this State: Therefore,

"*Resolved*, That the sheriffs of the several counties herein before mentioned, upon public notice for that purpose by them given, at least ten days before the day of election, do direct that elections be held for Governor, Lieutenant-Governor and Senators in each county, by the freeholders thereof, qualified as is by the constitution prescribed, and for members of Assembly, by the people at large, at the following places, to wit:

"In the county of Albany: At the City Hall in the city of Albany; at the house of William White, in Schenectady; at the house of George Mann, in Schoharie; at the house of Lambert Van Valckenburgh, at Cocksackie Flatts; at the house of Cornelius Miller, at Claverack; at the house of Solomon Demming, in King's district; at the house of Isaac Becker, in Tambanick; and at the house of Abraham Bloodgood, at Stillwater.

"In the county of Ulster: At the court house in the town of Kingston; at the house of Ann Du Bois, in New-Paltz; at the house of Sarah Hill, in Hanover precinct; at the house of Martin Wygant, in the precinct of Newburgh.

"In the county of Orange: At the court house in Goshen; at or near the Presbyterian church, in Warwick; at the house of John Brewster, in the precinct of Cornwall; at the court house at the New-City, in the precinct of Kakiat; at the house of Paulus Vandervoort, in Haverstraw; and at the house of Joseph Maybee, in the precinct of Tappan.

"In the county of Westchester: At the house of Elijah Hunter, in Bedford; and at the house of Captain Abraham Thiel, in the manor of Cortlandt.

"In the county of Dutchess: At the house of the widow of Simon Westfall, deceased, in Rhinebeck precinct; at the house of John Stoutenburgh, in Charlotte precinct; at the house of Capt. Jonathan Dennis, in Beekman's precinct; at or near New-Hackensack church, in Rumbout precinct; and at Matthew Patterson's, in Fredericksburgh precinct.

"In the county of Tryon: At the house of Johannes Veder, in the Mohawk district; at the house of John Dunn, in Canajohary district; at the church in Stone Arabia, in Palatine district; at the house of Frederick Bellinger, in the German Flats district; at Smith's hall, in Old England district; and at the house of Alexander Harper, in the township of Harpersfield.

"In the county of Cumberland: At the house of Seth Smith, in Brattleborough; at the house of Luke Knowlton, in New-Fain; at the court house, in Westminster; at the house of Tarbell, in Chester; at the town house, in Windsor; and at the house of Colonel Marsh, in Hertford.

"In the county of Charlotte: At the new Presbyterian church, in New-Perth; at the house of Anthony Hoffnagle, in Kingsbury; at the house of Nathaniel Spring, in Granville; and at some convenient place in each of the towns of Manchester, Danby and Castle Town. And,

"In the county of Gloucester; At such places as the sheriff of the said county, by the advice of the county committee, shall appoint for the convenience of electors within the same.

"And that the sheriff of every county shall order the elections to be held in each place above mentioned, in his county, on the same day, under the direction of two reputable freeholders, one to be appointed by the county committee, the other by the sheriff, to attend at each of the places where the elections are, as aforesaid, directed to be held in every county, who shall jointly superintend the said elections, and return to the sheriff of the county in which such elections are held, true poll lists of the elections in the said several places, for Governor, Lieutenant-Governor, Senators and Representatives in Assembly; which lists the sheriff shall transmit, under his oath of office, to the Council of Safety, as far as the same shall relate to Governor, Lieutenant-Governor and Senators, and shall cast up the greatest number of votes for the Representatives in Assembly, and make return of the names of such of them as are duly elected, in the manner that has heretofore been usual and customary: And the Council of Safety shall, upon receipt of the poll lists of the election for Governor, Lieutenant-Governor and Senators, examine the same, and declare who is the Governor, who the Lieutenant-Governor, and who the Senators, so chosen; and shall administer to the said Governor and Lieutenant-Governor, the oaths of allegiance and of office. The said elections within the several counties to be so held, as that the persons thereby chosen may be assembled at Kingston, in the county of Ulster, or such other place as the said Council of Safety shall appoint, on the first day of July next; provided, that if by any unforeseen accident, such elections cannot be so held, then the said Council shall order elections at such other time or times as shall, in their opinion, be most conducive to the general interest of the State.

"*And it is further Resolved*, That such freeholders as have fled from the southern parts of this State, and are now actually resident in any of the other counties of this State, shall be entitled to vote within such counties, for Governor and Lieutenant-Governor, as if they had actually possessed freeholds within the same. And that in case an election in any county should not be held, by reason of the death or resignation of the sheriff, or for any other cause, that the Council of Safety, or the Governor, in case he shall be sworn into his office, issue orders for an election for Representatives in Assembly, in such county, and appoint a returning officer to hold the same. And where no county committee shall be in being, or such committee shall neglect to appoint returning officers for the places above named in such county, that the person for that purpose appointed by the sheriff shall alone hold the election, and make return to the sheriff in like manner, as is above directed.

"And whereas it is impracticable for the inhabitants of the southern district of this State to choose Senators to represent them in the Senate thereof, or for the counties of the said district, Westchester excepted, to elect Representatives in Assembly; and it is reasonable and right to give to the said district and counties a proportionable share in the legislation of the whole State, as far as is possible in its present circumstances: Therefore,

"*Resolved*, That Lewis Morris, Pierre Van Cortlandt, John Morin Scott, Jonathan Lawrence, William Floyd, William Smith of Suffolk, Isaac Roosevelt, Doctor John Jones and Philip Livingston, be, and they hereby are appointed Senators for the Southern District of this State; and in case of vacancy, such vacancy to be filled up by the choice of the Assembly: And that Abraham Brasher, Daniel Dunscomb, Evert Bancker, Peter P. Van Zandt, Robert Harper, Abraham P. Lott, Jacobus Van Zandt, Henry Rutgers, Junior, and Frederick Jay, be, and they hereby are, appointed Representatives in Assembly, of the city and county of New-York; Philip Edsall, Daniel Lawrence, Benjamin Coe and Benjamin Birdsall, of the county of Queens; Burnet Miller, David Gelston, Ezra L'hommedieu, Thomas Tredwell and Thomas Wickes, of the county of Suffolk; William Boerum and Henry Williams, of the county of Kings; and Joshua Mercereau and Abraham Jones, of the county of Richmond; and in case of vacancy, such vacancy to be filled up by the choice of the Senate. Provided always, that none of the said Senators or Representatives in Assembly, so appointed, or hereafter to be appointed as aforesaid, shall continue longer in office than until the electors they represent shall respectively be in a capacity of electing.

"By order of Convention.

"ABM. TEN BROECK, *President*.

"Attest.

"John McKesson, *Sec'y*."

Ordered, That one thousand copies of the said plan for organizing government, be printed.

FRIDAY MORNING,

May 9, 1777.

The Convention met pursuant to adjournment.

Present—General Ten Broeck, *President*.

Mr. Jay, Mr. Harper, Mr. Bancker, Col. Brasher, Major Van Zandt, Mr. Dunscomb, Mr. Roosevelt, Mr. Beekman—*New-York*.

Major Lawrence—*Queens*.

Genl. Ten Broeck, Mr. Abrm. Yates, Mr. Gansevoort, Mr. Bleecker—*Albany*.

Mr. G. Livingston—*Dutchess*.

Mr. Harper, Mr. Newkirk—*Tryon*.

Mr. Wisner, Mr. Clarke, Mr. Jos. Smith—*Orange*.

Mr. Smith, Mr. Miller, Mr. Tredwell—*Suffolk*.

Mr. Morris, Judge Graham, Mr. Tompkins—*Westchester*.

Mr. Stevens—*Cumberland*.

Major Tappen, Major Parks—*Ulster*.

A letter from R. R. Livingston, Mathew Cantine and Zephaniah Platt, Esquires, the committee sent to Rhinebeck and manor of Livingston, to quell the disaffected, dated the 8th instant, was read and filed, and is in the words following, to wit:

"*Manor of Livingston, 8th May*, 1777.

"Sir—We find the number of conspirators infinitely greater than we could have conceived; almost every body in the upper manor, (as it is sometimes called,) particu-

larly the eastern part of it, appears to have engaged with the enemy, first by taking an oath of secrecy, and then an oath of allegiance to the King of Great Britain; it appears to have been their design to have waited till the enemy came up, when they were to rise and take the whigs prisoners. We think it absolutely necessary that a court martial should be organized here to-morrow, out of the officers of the manor of Claverack and Rhinebeck regiments, for the trial of some few of the principal offenders. An act of grace should be prepared, though not yet issued, and a proper place provided for at least two hundred prisoners, and provision be made for their maintenance. It would be proper also to enable the committee of the manor to raise 50 men, under the command of Capt. Gaasbeck, for the district of the manor of Livingston; and it would not, in our opinion, be improper to indulge Claverack and Rhinebeck districts with small bodies of troops for a short time.

"Might it not also be right to direct General Gates to hold a court at Albany, as it is clear that some plots have been formed to liberate the prisoners in Albany. We trust that the spirit of disaffection is pretty well subdued in this quarter for the present; many coming in and surrendering themselves.

"We are, sir, with the utmost respect,
"Your humble servants,
"ROBT. R. LIVINGSTON,
"MATTHEW CANTINE,
"ZEPH. PLATT, Jr."

Thereupon it was moved, that General Gates be requested to constitute and establish a court martial for the trial of such persons as have been apprehended in the county of Albany, and charged with treasonable practices against this State, pursuant to the resolutions of this Convention.

A motion was then made for an amendment, that General Gates's name be struck out and that General Ten Broeck's name be inserted in its stead.

The question being put on the said amendment, it was carried unanimously, by counties, in the affirmative. Thereupon,

Resolved, That Brigr. General Ten Broeck be directed immediately to constitute and establish a general court martial for the trial of such persons as have been apprehended and confined in the county of Albany, and are charged with treasonable practices against this State, pursuant to the resolutions of this Convention.

Ordered, That the person or persons who hath or have in his or their possession, any gunpowder belonging to this State, deliver to Colonel John Field, or his order, two hundred weight of gunpowder, for the use of his regiment.

Ordered, That the person or persons who hath or have in his or their possession, any lead belonging to this State, deliver to Colonel John Field, or his order, six hundred weight of lead, for the use of his regiment.

WHEREAS it hath been represented to this Convention by Zephaniah Platt, R. R. Livingston and Matthew Cantine, Esquires, who were lately appointed a committee to go to Rhinebeck precinct, in Dutchess county, and to the manor of Livingston, and take the most effectual measures to prevent and quell any insurrections in the said places; that they have caused a number of insurgents to be apprehended, and recommending the immediate forming a court martial for their trial: AND WHEREAS the said Robert R. Livingston hath, at his request, been discharged from the said committee.

Resolved, That the said Zephaniah Platt and Matthew Cantine, be and they hereby are authorized, in as full and ample manner as any General of the militia of this State might do, to institute a court martial for the trial of the prisoners as aforesaid, by their order apprehended for treasonable practices against this State, according to the resolutions of this Convention.

Ordered, That Mr. Jay and Mr. Morris prepare and bring in an act of grace for such of the inhabitants of this State as have been guilty of treasonable practices against the State, on their taking the oath of allegiance.

FRIDAY AFTERNOON, *May* 9, 1777.

The Convention met pursuant to adjournment.

PRESENT—Genl. Ten Broeck, *President*.

Mr. Bancker, Mr. Dunscomb, Mr. Harper, Mr. Roosevelt, Mr. Jay, Colo. Brasher, Mr. Beekman—*New-York*.

Mr. Stevens—*Cumberland*.

Mr. Harper, Mr. Newkerk—*Tryon*.

Genl. Ten Broeck, Mr. Abm. Yates, Mr. Gansevoort, Mr. Bleecker—*Albany*.

Mr. Morris, Judge Graham, Mr. Tompkins—*Westchester*.

Mr. G. Livingston—*Dutchess*.

Mr. Smith, Mr. Miller, Mr. Tredwell—*Suffolk*.

Mr. Wisner, Mr. Clarke—*Orange*.

Major Tappen, Major Parks—*Ulster*.

The petition of Arthur McKinney, confined in Kingston jail, under sentence of death, praying to be pardoned, was read.

A similar petition of Silas Gardner, under the like circumstances, was read and ordered to lie on the table.

A letter from Jacob Hornbeck, enclosing the information and complaint of Silas Bowker against John Middagh and Henry Bush, for spreading lies and false intelligence, to the great discouragement of the good subjects of this State, at Papaconck, was read.

Resolved, That the committee of Rochester be requested to cause John Middagh and Henry Bush to be apprehended and secured, and that this Convention will defray the expense thereof.

A ration roll of the ship joiners employed on board the Continental ship Congress, certified by John Child, clerk of said ship, amounting to £34 14*s*. 11½*d*. from the 14th February to the 8th of May, 1777, was read.

Ordered, That the Treasurer of this State pay unto George Taylor the sum of £34 14*s*. 11½*d*. in full for the said ration roll, and that he charge the same to the Continental account.

WHEREAS Colonel John Field, of Dutchess county, did for the security of the inhabitants against disaffected persons, who were committing ravages in the southeastern part of the said county, order a lieutenant and twenty privates to range in that quarter, and which have lately been employed in guarding some Continental stores at Henderson's, which had been twice attacked by disaffected mountaineers.

Resolved, That this Convention doth approve of Colonel Field's conduct in this business, and will pay the lieutenant and men under his command for the time they shall be in actual service; and that they be continued in service so long as General McDougall shall deem the same necessary, not exceeding two months.

The committee to whom was referred the letter from John Coe, Esquire, relative to the damages sustained by the inhabitants of the south part of Orange county by the Continental troops passing through that county, reported an answer thereto, which was read and agreed to, and is as follows, to wit:

"SIR—Convention having received your letter, are of opinion, and I am directed to inform you, that the complainants mentioned therein should make up their accounts of the damages by them severally sustained, and deliver the same to you, and that you transmit the same, properly attested, to the Quarter-Master-General, and that you send a duplicate of the said accounts to the Council of Safety of this State.

"That with respect to the supporting, nursing and interring the Continental soldiers, quartered upon the said complainants by the different regiments in their march, the said complainants are directed to carry in their accounts of

the same to the Director-General of hospitals, in the middle department, who is empowered to settle them.

"To JOHN COE, Deputy Chairman of
the Committee of the county of Orange."

The committee to whom was referred the accounts of Major Strang, for repairing the roads in Westchester and Dutchess counties, pursuant to the resolutions of Convention of Oct. 5th; also, another account of Major Strang, for expenses of storing, &c. the salt for repacking a quantity of pork purchased by order of the late Provincial Congress, in Westchester county; also, an account of Jeremiah Drake, for boarding Daniel Dunscomb and his servants, while employed in repacking the said pork, delivered in their report, which was read; and thereupon

Ordered, That the Treasurer of this State pay unto Major Joseph Strang the sum of £17 1*s.* 10*d.* in full for the said first mentioned account, and the further sum of £159 5*s.* 11*d.* in full for his other account; and to Jeremiah Drake, or his order, the sum of £5 2*s.* 6*d.* in full for his said account.

WHEREAS the county of Queens, being now in the power of the enemy, it hath become impracticable to assemble a county committee therein, therefore, on application of the Deputy of the said county for money to defray the wages due to the Deputies of the said county,

Ordered, That the Treasurer of this State pay to the Deputies of Queens county, or either of them, on account of the county of Queens, to be accounted for by the said county to this State, and for the disposition whereof the said Deputy or Deputies shall be held to account with the said county, the sum of two hundred pounds, on account of the wages due to the Deputies who have been elected and represented that county.

Resolved, That John Lasher, Esquire, be and he is hereby appointed commissioner of all and singular the military stores belonging to this State, with the rank of colonel in the said State; and that he be empowered to impress teams and carriages for removing the said stores, in case of necessity, and that he be allowed the sum of two hundred pounds per annum for his trouble and expenses in performing the duty aforesaid.

Resolved, That the said Colonel Lasher be and he hereby is directed and empowered to cause the row gallies in Hudson's river to be repaired immediately, and that he keep an account of the expense thereof, to be charged to the United States.

Resolved, That Christopher Bancker, Esquire, be and he hereby is appointed commissary of prisoners within this State, and that he be allowed the sum of two hundred pounds per annum as a salary for the said office.

Resolved, That David Currie be and he hereby is appointed commissary for supplying the troops of this State with such articles not allowed them by the Commissary-General as they may stand in need of; that the said commissary purchase the said articles and vend them to the troops at such price as will pay the prime cost and all charges thereon; and that the said commissary be allowed the sum of three dollars per day for his trouble and expense.

Resolved, That Charles Sprainger, captain of the brig Mary, produce his account of wages, &c. to this day, against the said brig, to the Auditor of accounts of this State, who is hereby directed to audit the same; whereupon the Treasurer shall pay the amount thereof, and take a receipt therefor, taking an order from the said Charles Sprainger on the said brig for the amount of the sum so paid.

The committee appointed and empowered to appoint a commissary for the disaffected prisoners, informed the Convention that they have appointed Mr. Giles. Their instructions to Mr. Giles were read and approved.

WHEREAS divers persons in this State, unmindful of the duties they owe to the public, have, against the resolutions of this Convention, heretofore made and published, inoculated with the small pox a number of persons, in houses situated so near to public highways as to endanger the health and safety of travellers through the same:

Resolved, That no person or persons inoculated, or having the small pox in the natural way, be kept in any house within the distance of one hundred yards from any public road or highway in this State; and that every person or persons who shall inoculate any person, knowingly entertain or keep, at any house or houses situated within one hundred yards of a public road or highway aforesaid, any persons diseased or infected with the small pox, shall, for every offence, forfeit the sum of ten pounds, to be recovered in any court of record in this State by any person who shall sue for the same; and shall also be liable, for the said offences, to indictment and be fined, not exceeding ten pounds, at the discretion of the supreme court of this State, or any court of oyer and terminer and jail delivery before whom the same shall be tried; and in default of payment of the said fine, to stand committed, without bail, to prison for three months.

Ordered, That the aforegoing resolution be published.

SATURDAY MORNING,
May 10, 1777.

The Convention met pursuant to adjournment.

PRESENT—Genl. Ten Broeck, *President*.

Mr. Roosevelt, Mr. Dunscomb, Mr. Bancker, Mr. Harper, Colo. Brasher, Major Van Zandt, Mr. Jay, Genl. Scott—*New-York*.

Mr. Harper, Mr. Newkerk—*Tryon*.

Genl. Ten Broeck, Mr. Abm. Yates, Mr. Bleecker—*Albany*.

Mr. G. Livingston, Mr. Sacket—*Dutchess*.

Mr. Stevens—*Cumberland*.

Mr. Tredwell, Mr. Smith, Mr. Miller—*Suffolk*.

Mr. Morris, Judge Graham, Mr. Tompkins—*Westchester*.

Major Lawrence—*Queens*.

Major Tappen, Major Parks, Col. De Witt—*Ulster*.

Mr. Clarke, Mr. Wisner, Colo. Allison, Mr. Josa. Smith—*Orange*.

A petition of Samuel Pugsley, of Westchester county, relative to some cattle of his, taken by the enemy and retaken by a party of our scouts, praying that they may be restored to him. A letter from Major Fish, as also a letter from William Paulding, Esquire, on the subject, were respectively read. And thereupon,

Resolved, That the said petition be referred to the commissioners of sequestration, in Westchester county; and that they be directed to make diligent inquiry, and if they find the facts set forth in the petition to be true, that then they cause restitution to be made to the petitioner.

Mr. Jay, according to order, delivered in the draft of an act or ordinance offering a free pardon to such of the deluded subjects of this State as have been guilty of treasonable acts against this State, on their taking the oath of allegiance.

The same was read and amended, and being again read, was unanimously approved of and agreed to, and is in the words following, to wit:

"WHEREAS divers of the subjects of this State have been seduced from their allegiance to the same, by the arts of subtle and wicked emissaries from the enemy, and prevailed upon, by various and delusive promises, to leave their wives and children and join the army of the King of Great Britain, in direct violation of the great duties they owe to their country, their families and posterity: AND WHEREAS it hath been represented to this Convention, on the part of the said persons, that sundry of them having been deceived by the enemy, and instead of being protected, have either been totally neglected, or compelled to take up arms for the express purpose of enslaving and destroying their fellow citizens, are become sensible of their error, and very desirous of returning to their allegiance, and participating with their countrymen in the enjoyment of the inestimable rights and liberties secured to the good

people of this State by the constitution and government thereof: And whereas divers of the said persons, as well as others, who have been guilty of treasonable acts against this State, for fear of the punishment due to their respective crimes, secrete themselves within the same: And whereas humanity directs that no means should be left unessayed to prevent the effusion of blood, and to give those an opportunity of returning to their duty, who by wicked men may have been seduced therefrom:

"This Convention do, therefore, in the name and by the authority of the good people of this State, ordain, determine, declare and proclaim, that all such of the said delinquents above described, as shall on or before the first day of July next, voluntarily appear before any magistrate or field officer of the militia of this State, and take the following oath of allegiance to this State, viz:

"'I, do most solemnly swear in the presence of Almighty God, that I will bear true allegiance to the State of New-York, and in all things do my duty as a good and faithful subject of the said State:'

"Shall on producing a certificate thereof, under the hand of such magistrate or field officer, to the Council of Safety or Governor of this State, receive a full and free pardon of all and every treasonable acts and deeds by him heretofore committed against this State, and be restored to a participation of all the rights, liberties and privileges appertaining to the good people thereof."

Ordered, That the same be published, and that Mr. Loudon be directed to print 1,000 copies, in handbills, and that he send them to this place as soon as possible.

Resolved, That Egbert Dumont, Esquire, appointed sheriff of Ulster county, be excused from executing the prisoners in Ulster county jail, under sentence of death, he pledging his honour to use his utmost endeavours to procure an executioner, if the same shall be necessary.

Resolved, That Egbert Dumont, Esquire, sheriff of Ulster county, and John Thomas, Esquire, sheriff of Westchester county, be permitted to take the oaths of allegiance and of office before the President of this Convention.

They were both called up and sworn accordingly.

The resolutions for abolishing quit rents, were read, and the consideration thereof postponed till afternoon.

Saturday Afternoon, *May* 10, 1777.

The Convention met pursuant to adjournment.

Present—Genl. Ten Broeck, *President*.

Mr. Roosevelt, Mr. Harper, Mr. Dunscomb, Mr. Bancker, Colo. Brasher, Genl. Scott, Mr. Jay, Major Van Zandt—*New-York*.

Major Lawrence—*Queens*.

Genl. Ten Broeck, Mr. Abm. Yates, Mr. Bleecker—*Albany*.

Mr. Sackett, Mr. G. Livingston—*Dutchess*.

Mr. Harper, Mr. Newkerk—*Tryon*.

Colo. De Witt, Major Parks, Major Tappen—*Ulster*.

Mr. Smith, Mr. Tredwell, Mr. Miller—*Suffolk*.

Judge Graham, Mr. Morris, Mr. Tompkins—*Westchester*.

Mr. Stevens—*Cumberland*.

Mr. Wisner, Mr. Josa. Smith, Mr. Clarke—*Orange*.

A letter from General Gates, dated yesterday, at Albany, informing that he at present sees no reason for abandoning any part of the post of Ticonderoga, and believes it will be as safe this year as the last, was read.

A letter from the committee of Albany informing Convention of their perplexities in consequence of their successes in apprehending tories: their jails are full, and the inhabitants are apprehensive that the jail distemper will soon take place; they therefore request the direction of Convention; was read. Both letters were committed to Messrs. Jay and Morris.

Resolved, That Mr. Philip Leake be directed to purchase at the cheapest rate he can, for the use of the troops belonging to this State, as many shoes and woollen stockings as he can procure, and that he deliver the same to the commissary of the clothing store belonging to this State, at Fishkill, and take a receipt for so much as he shall deliver.

Ordered, That the Treasurer of this State advance to Mr. Philip Leake, the sum of two hundred pounds, on account of shoes and woollen stockings to be purchased pursuant to an order of this Convention of this day, for the use of the troops of this State, and that the said Treasurer deliver the said sum to Daniel Dunscomb, Esquire, to be by him conveyed to Mr. Leake, and take his receipt for the same.

Mr. Wisner having informed this House that he completed two powder mills in the month of May last, upon the encouragement formerly given, whereby as he conceives he was equitably entitled to the receipt of two thousand pounds, on a loan, without interest for two years, at the same time offered to accept of the sum of seventy pounds, conditioned that he produce the proper proofs required by the said resolution on that subject.

Resolved, That the Treasurer of this State pay to Mr. Wisner the said sum of seventy pounds, and take his receipt for the same, on condition, nevertheless, that Mr. Wisner be held to repay the same until he shall produce to the future Legislature of this State, sufficient proof of such erections as aforesaid.

Whereas it hath been represented to this Convention, that divers of the inhabitants of the county of Cumberland, who are desirous of continuing the subjects of this State, are, from divers reasons, incapable of exerting themselves in the general defence, particularly from the want of proper officers: Therefore,

Resolved, That it be recommended to such inhabitants to associate as follows, to wit: "We the subscribers, subjects of the State of New-York, do associate together for the defence of the United States against the King of Great Britain, as follows: First. We will choose our officers by vote of the majority in each respective company or regiment. Secondly. We will obey such our officers, as other the militia of the said State. Thirdly. The names of the said officers shall be transmitted to the government of the said State, and to the general in the northern department. Lastly. That this association shall continue in force until revoked by proper authority."

Whereas it hath been suggested to this Convention, that the county committee of the county of Cumberland cannot be collected together but with great difficulty:

Resolved, That such of the members of the said county committee as on due and regular notice for the convening of the said committee, shall meet, be authorized to proceed to business.

DIE SABBATI, 10 HO. A. M.

May 11, 1777.

The Convention met pursuant to adjournment.

Opened with prayer by the Reverend Doctor Rogers.

Present—General Ten Broeck, *President*.

Mr. Roosevelt, Mr. Dunscomb, Major Van Zandt, Mr. Bancker, General Scott, Mr. Harper, Mr. Jay, Colo. Brasher, Mr. Robert Harper—*New-York*.

Mr. Wm. Harper, Mr. Newkerk—*Tryon*.

Genl. Ten Broeck, Mr. Abm. Yates, Mr. Bleecker—*Albany*.

Mr. Sackett, Mr. G. Livingston—*Dutchess*.

Mr. Stevens—*Cumberland*.

Mr. Miller, Mr. Wm. Smith, Mr. Tredwell—*Suffolk*.

Mr. Morris, Mr. Tompkins, Judge Graham—*Westchester*.

Colo. De Witt, Major Tappen, Major Parks—*Ulster*.

Mr. Wisner, Mr. Clarke—*Orange*.

A letter from Genl. George Clinton, dated the 9th inst. at Fort Montgomery, requesting leave of Convention to resign his commission of brigadier-general of the militia of Ulster and Orange counties, for reasons assigned in the said letter; and enclosing the copy of a letter from General

Washington to General Clinton, on the proceedings of the court martial, in the case of Captain Martin, and those of several other persons charged with treasonable practices, was read, together with the papers enclosed.

A warrant from Brigadier-General Geo. Clinton, signed by his order by Albert Pawling, brigade-major, directed to Colonel Jacob Hornbeck, for the execution of William McGinnis, and the other culprits whose sentences have been confirmed by the Convention, at such time and place as the Convention shall appoint, was also read.

The proceedings of a court martial held on sundry days and times therein mentioned, from the 2nd to the 6th days of May instant inclusive, at Fort Montgomery, for the trial of Jacob Davis, Andries Longyear, Samuel Freligh, Frederick Keyser, Thomas Crispel, Johannes Keyser, William Wood, Abraham Middagh, Cornelius Samuels, William Calder, Lodowick Seely, Walter Stouter, John Low, James Merkle, Edward Wood, Edward Wood, Junior, and Jonathan Oakley, for treasonable practices against the State, were also read as follows, to wit:

"*Fort Montgomery, May 2nd*, 1777.

"The court met according to adjournment.

"PRESENT—Colonel Lewis Dubois, *President*.

"Capt. Stewart, Capt. Lee, Capt. Beveir, Capt. Tilford, Capt. Hardenbergh, Capt. Hasbrook, Capt. De Witt, Capt. Schoonmaker, Capt. Concklin, Lieut. Post, Lieut. Hunter.

"Henry Godwin, captain, Judge-Advocate.

"A majority of members appearing, the court adjourned till ten of the clock to-morrow morning.

"Court met.

"PRESENT—Colo. Dubois, *President*.

"Capt. Stewart, Capt. Lee, Capt. Beveir, Capt. Tilford, Capt. Hasbroock, Capt. De Witt, Capt. Concklin, Capt. Schoonmaker, Lieut. Furman, Lieut. Post, Lieut. Hunter, Lieut. Chambers.

"Captain Godwin, Judge-Advocate.

"Lieutenant Furman and Lieutenant Chambers, sworn as new members, in the room of those absent.

"Jacob Davis, brought before the court, and charged with the following crimes, to wit:

"1st. With levying war against the United States of America.

"2ndly. For being an enlisted soldier in the service of the King of Great Britain.

"3rdly. For having enlisted men in the service of said King.

"To the first charge he pleads guilty; to the 2nd and 3rd charges not guilty.

"The prisoner being examined, says, 'That he came to Alexander Campbell's house with Rose and his party, and was in there; that Campbell appeared to be friendly; that he thinks that Campbell carried them to a brush fence, about a half mile from Campbell's house, where they were safe, and lay there one whole day; that Campbell's wife brought out rum to them twice; that Campbell came to them in the afternoon, and informed them that the militia were gone; that they lay at the fence till dark; that then Rose and his party went to Campbell's house, and Campbell's wife gave them a pail of buttermilk pap; that she gave it gratis; that then they went to Arthur McKinney's barn; that he believes it was either Campbell or McKinney that piloted them to the barn at night; that in the morning Arthur McKinney and his wench brought them suppaan and milk; that McKinney and Jacobus Rose talked together, but did not hear what they said. James Jones, Samuel Freligh, and a regular officer came to them in William Wood's barn, and was also in Wood's house, and stayed at Wood's; that Daniel Erwin took down all their names in the mountains with their voluntary will; that he had a gun loaded with powder and ball.'

"The prisoner being examined the second time, says, 'That Rose told him that Wouter Stouter piloted them to the creek.'

"A further examination of the prisoner taken before the committee of Schougour, Cornelius Schoonmaker, Junior, chairman, being read before the court, the prisoner confesses every fact contained in said examination, a copy whereof is annexed hereunto.

"The prisoner further says, 'That Peter Misiner, a neighbour of his, said he would go along with him, but his wife would not let him; that he heard that Christian Winner was gone to Little Shandaken to get men; that they got rum at Jacobus Bushe's, at Shokan; that Jacobus Bushe's son Peter, went with them; that his brother Jacobus was known to their going; that Frederick Bush, at Shokan, went along to help them over Esopus kill; that Rose told him that the Widow Beveir and Widow Graham, were their friends; that he heard that Daniel Contine was a friend to the King; that Peter Winner, Hendrick Henning, Frederick Row, at Little Shandaken, Jacob Furlong, and Wilhelmus Marrual, at Great Shandakan, were also friends to the King of Great Britain.'

"Andries Longyear, being brought before the court on the three before mentioned charges, pleads generally not guilty.

"An examination of the prisoner, taken before the before mentioned committee, being produced to the oourt, and read in the presence of the prisoner, the prisoner confesses every fact contained in said examination, a copy whereof is annexed hereunto; and further says, that he thinks it was either Campbell or McKinney that brought them to McKinney's barn; that his father, Jacob Longyear, did not try to prevent him from going with Rose to the regulars; that he had a gun loaded with powder and ball; that he loaded his gun because the rest loaded theirs; that he thinks Trawiliger was shot with a pistol; that Daniel Erwin had a pistol; that Richard Oakley treated them with cider.

"Samuel Freeligh was brought before the court on four charges: 1st. For levying war against the United States of America. 2ndly. For being an enlisted soldier in the service of the King of Great Britain. 3rdly. For enlisting men in the service of the said King. And 4thly. For aiding, assisting and giving comfort and being adherent to the enemies of the State of New-York while owing allegiance to said State.

"The prisoner confesses that James Jones and Silas Prumpore told him that he would get work at his trade in New-York; that he was a wheelwright; that he agreed to go to New-York; accordingly set out to go; that he came to James Jones's house, and a man with a blind left eye was sitting in the house; that he had on a speckled under jacket, brown surtout coat, blue woollen stockings, and strings in his shoes; that he asked Jones where that fellow came from; that he told Jones he was afraid that man would discover them; that Jones told him that he did not know him; that then he, Jones, and the one eyed man set out together in company; as they were going along, he, the prisoner, asked the one eyed man what his name was, but the man would not tell him, but told him he came from the Mohawk river through Albany, where he passed for a shoemaker; that the one eyed man had a bundle of letters with him; that the one eyed man was about five feet ten inches high; that said man told him he heard the regulars were across the lake, and the Indians were to come down; that one Butler was the head of them. That they all stopped at a mill at night, and set out next morning; at noon came to a house in the woods, where they got a man who piloted them over a creek—the name of the place he thinks, was Hurly—and went on with them further, till night; that they laid down in the wood all night, and in the morning one Jacobus Seeny with a thick man came to them, but went away again; that they staid at that place all day; that at night said Seeny came to them again with six or seven more men; that then they all set out together to William Wood's house, where they met Rose and his party, where they staid till next night when Rose brought another party to them; that they staid that night at Wood's, and in the morning set out till they came to a house where Rose called the men in to take down their names; that they all

gave in their names but him and James Jones; that the man that wrote down their names was a schoolmaster; that he thought it was a pistol Trawiligar was shot with; that they came to Alexander Campbell's; that then he and Jones and the one eyed man went and sat under an apple tree; that the one eyed man left them there; that he saw Campbell come to the one eyed man and take him with him to his house; that then he and Jones went into McKinney's barn where Rose and his party lay all night; and that he eat suppaan and milk in McKinney's barn; that he left Rose and his party in McKinney's barn with an intent to go home; that being afraid of being taken up, he resolved to pass for a tradesman—accordingly applied for work at one Mr. Peck's, where he passed for a weaver, but could get no work there for want of a loom; that he then went on and met a man and a boy with a wagon, who asked him where he was going, and he told them to look for work; then went on, and was going past the Widow Graham's house, when Lieut. Clarke, an officer, called to him, and he went in and there enlisted with said Clarke in the Continental service.

"Court adjourned till 5 o'clock this afternoon.

"Court met.

"PRESENT—The President and members as before.

"Frederick Keyser, being brought before the court on the following charges: Charge 1st. For levying war against the United States of America; 2nd. For being an enlisted soldier in the service of the King of Great Britain; 3rd. For having enlisted men in the service of the said King; pleads generally not guilty.

"The prisoner being examined says, that Rose sent for him and told him that this was the last time, and if he did not come, that he could not expect any mercy; that an army was coming from the northward; one from the eastward, and one from the southward; that the smallest child would be killed if he did not go down; that every man that went along with the regulars should have a hundred acres of land; that he met Rose at William Wood's; that they had victuals at Wood's, brought by one Barber, a servant of said Wood; staid at Wood's all night; that he met the company at Wood's; that there were 36, and Cornelius Samuels made 37; that he saw Wood in the morning, and gave him his hand, and bid him farewell; believes Wood knew where they were going; from Wood's went to Seely's, where Lodowick Seely joined them. Says that when they were in Wood's barn, a High Dutch doctor came into the barn; that when they came to the side of the hill near to the Widow Beveir's, Rose and Middagh left them, and tarried away some time; from there went to Cornelius Dubois's, and from there to the creek, or Wallkill, where stood two sentries; that Rose told the sentries he would take them prisoners; that they crossed the creek with one of the sentries, and left two or three on the other side with the other sentry; that just as he came on the other side of the river he heard a pistol fired, and heard the noise of horses; that Daniel Erwin had a pistol and no other person in company had one to his knowledge; that they then marched to a little house in a field a small distance from the road; that from thence they went and lay in the woods; that the next day they went to a little log house where they got suppaan and milk; that he believes the man's name is McKinney; that he had a gun loaded with powder and ball; that he took powder and ball from home; that he went with Rose till they were fired upon by the militia.

"The court adjourned to ten o'clock to-morrow morning.

"Court met.

"PRESENT as before.

"Thomas Crespell brought before the court on the three last mentioned charges; pleads generally not guilty.

"The prisoner says he was along with Rose; that he was persuaded to go by Jacob Middagh; that he had a gun loaded with powder and ball; that he was along with Rose till they were fired upon by the militia in the mountains; that then he was afraid, and separated from Rose's party, and was determined to go home and be as good a friend as he was before; that Rose and Middagh told him, when they talked with him, that he would be shot down, or taken up and hanged, if the whigs took him; that on his way home he gave himself up to a man with a gun. He further says, that he heard that Wouter Stouter was to pilot them over the Wallkill creek.

"Peter Bush, brought before the court on the before mentioned 1st, 2d and 3d charges, pleads generally not guilty.

"The prisoner says he was with Rose and his party; that he had a gun loaded with powder and ball; that Richard Oakley gave them provisions; that he staid with Rose till they were fired upon by the militia in the mountains.

"Jacob Furlong, brought before the court on the before mentioned 1st, 2d and 3d charges, pleads generally not guilty.

"The prisoner being examined, confesses that he was with Rose and his party, persuaded by Jacob Middagh; that Middagh told him that if he did not go he would bring his friends into trouble; that if he went he would save his land, and have 100 acres of land and each child fifty acres; that 500 Indians and white men would come down upon the inhabitants, and the regulars would come up as thick as sand; that it would not be above a fortnight before the country would be destroyed, and says they got powder at Richard Oakley's; that he remained with Rose and his party till they were fired on by the militia in the mountains. The prisoner alleges, in his defence, that he was deluded away; that when he found his error, he set out to go home, and on his way gave himself up to some of the militia.

"Johannes Keyser, being brought before the court on the same 1st, 2nd and 3rd charges before mentioned; to the first charge he pleads guilty; to the 2nd and 3rd charges, not guilty.

"The prisoner in his defence alleges that he was deluded by the persuasions of Rose, and one Petris De Witt's wife. Being further examined says, that he believes that Trawillegar was shot by a pistol; that it was the same man that had the pistol, that took down their names; confesses that he was drafted to come down in the four months' service, with the militia to Fort Montgomery, before he went with Rose.

"Teunis Van Vleet, being duly sworn, saith, that he, the deponent, understood that there was a number of men to come across the mountains, and the deponent sent word thereof (as there was no commanding officer,) to his neighbours; that fourteen or fifteen of them gathered together, and placed a sentry at one Peter Deyoos's, one at a road that leads down out of the mountains by Isaac Low's, and another at one Dubois's; that Frain asked who would go with him, and the deponent said he would go the first hour; that then the deponent and Frair went and sat down by an apple tree; that they sat there but a few minutes when they heard a noise amongst the apple trees; that a party of men came up; Frair said, 'Who is there?' they answered, 'Friend;' when they (the deponent and Frair) were immediately seized and made prisoners; that when the deponent was seized and made prisoner, he, the deponent, was examined as to the strength of the guard; that the man that took hold of the deponent, told the deponent that he was Rose, and asked the deponent if he had not heard of Lieutenant Rose over the mountains, and that the deponent was his prisoner; that Rose then ordered some of his men, and said to them, take care of this fellow; that in the mean time, Rose's men got into two canoes; that Rose went up to Frair, and ordered him to be silent; that the canoes at the same time were carrying over Rose's party across the kill; that when the canoes came back they took Frair over the river; that just as the canoes struck the shore on the opposite side of the creek, the deponent heard somebody hallo out, 'Who is there?'

the other said, 'A friend;' that then the deponent heard a gun or pistol fired, and saw the flash, and heard a great rout amongst Rose's party; that then the party that kept the deponent under guard at that time, wanted the canoes over, but the canoes did not come, on account of the rout; they halloed for them; that when the canoes struck on the side where the deponent was under guard, the men were in such a hurry that he, the deponent, made his escape, and ran up to the house to warn the guard; that then the deponent and the guard ran down to the creek; when they came there, Rose's party were all of them across the creek; that the deponent told the guard of his hearing the gun fired, but they would not believe it; that one of them went to Mr. Graham's, who told them that he heard the report of a gun as he lay in his bed; that then the deponent and the guard concluded the best way would be, to mount a horse to warn the guards in the other places before mentioned, which they did; then they went down to the creek and got a canoe to go to Mr. Elting's; there they got a horse and man, and sent him down to Newburgh, express, to warn the inhabitants of this party's going that way; when they came there, at Elting's, Lieutenant Trawiligar had been there, and that he and another man took two horses, and said Trawiligar was wounded in the arm; that when the deponent was under guard at the creek, the party that kept him told the deponent that he was their prisoner, and should go with them; that Rose, when he first seized the deponent, told him that he had fifty-eight men, well armed, and did not care a damn for the guard, and further saith not.

"Court adjourned till three o'clock this afternoon.

"Court met.

"PRESENT—The President and members as before.

"Court adjourned till ten o'clock to-morrow morning.

"*May* 4.

"Court met according to adjournment.

"PRESENT—Colo. Dubois, *President*.

"Capt. Beveir, Capt. Johnson, Capt. Tilford, Capt. Hasbrouk, Capt. De Witt, Capt. Concklin, Capt. Schoonmaker, Lieut. Paulding, Lieut. Furman, Lieut. Post, Lieut. Hunter, Lieut. Chambers.

"Judge Advocate,

"Capt. Johnson and Lieut. Paulding sworn as members in the room of Capt. Stewart and Capt. Lee.

"William Wood, brought before the court for aiding and assisting, holding correspondence with, and giving comfort to the enemies of the State of New-York whilst owing allegiance to the laws of said State, pleads guilty.

"The prisoner in his defence, says, that Rose and his party came unawares upon him, that he did not know of their coming; that he was very surprized when they came upon him; that he was glad to hear of his son; pleads ignorance of the resolution of Convention of 16th July, 1776, &c.

"Richard Oakley, brought before the court on the last mentioned charges, pleads guilty.

"The prisoner in his defence, says, that he gave powder to Rose's party; that he knew William Ore, the saddler; has nothing further to say, only begs the mercy of the court.

"Abraham Middagh, brought before the court on the following charges:

"1st. For levying war against the United States of America: 2nd. For being an enlisted soldier in the service of the King of Great Britain: 3rd. For enlisting men in the service of said King: 4th. For giving aid and assistance, being adherent to, and secreting the enemies of said States, pleads generally, not guilty.

"The prisoner being examined, says, that he knew that Jacob Middagh was there; that he found Middagh in the woods; that Middagh asked him to go along to Shokan; that he went with Middagh to Frederick Bushe's house; that Bush was not at home; that he went with Jacob Middagh to Hendrick Bushe's, Frederick Bushe's, Jacobus Bushe's, Jacobus Davis's, Hendrick Crespell's, Samuel Davis's, Jacob Furlong's, Jacob Longyear's and Christian Winner's; that he was going to one John Crespell's for corn, and came across Jacob Middagh, who took him with him every where he went, and would not let him go; that he knew he did wrong.

"Cornelius Samuels being brought before the court, produced a certificate setting forth that Cornelius Samuels, in consequence of his open confession made before this Convention, is by the said Convention pardoned for the crimes wherewith he stood charged, and for which he was apprehended and brought before said Convention, and is therefore discharged and permitted to return to his usual place of abode, he having likewise taken the oath of allegiance to this State.

"By order,

"ROBERT BENSON,

"*Secretary.*

"The court after hearing the before mentioned certificate read, came to a resolution to acquit the said Cornelius Samuels, and do therefore acquit him accordingly.

"Cornelius Samuels, being duly sworn, saith: That just before this deponent and Rose came to the Widow Beveir's, they met three men, to wit: Andries Keyser, Johannes Keyser, and he believes Frederick Keyser, and Rose asked them whether Wouter Stouter was home; and they said Stouter was not at home, but would be home in the evening. Then they went along within half a mile of Widow Beveir's, and staid there till it was dark; then went to near the widow's house, where Rose ordered them to stay, and then went away to the house to see whether Stouter was at home. Then Jacobus Rose came to them again, and ordered them to march to Stouter's house, and the deponent believes that Stouter joined them there; that the deponent saw Stouter at the creek; that Jacobus Rose called Stouter by name, and Stouter answered to it; that the deponent went over with the last canoe; that Jacobus Rose and Sylvester Vandemark were of the party that kept one of the sentries; that when they were coming through the apple trees, they were hailed, 'Who is there?' 'A friend,' said Jacobus Rose. Then the guard said, 'If you are a friend then come on,' (or words to that effect). That one one of the sentries wheeled off, as there was a large company with them; that Jacobus Rose said that the sentry was his prisoner, and then Rose left him and went to the other sentry, and told him he was his prisoner; but the sentry told Rose that he would not be taken prisoner by them. Then Rose took his gun from him and put him in the canoe, and took him over the creek; that the other sentry staid with this deponent and others on that side of the creek; that Wouter Stouter crossed the creek with the party till near the King's road; and further says not.

"The court adjourned till two o'clock this afternoon.

"Court met according to adjournment.

"PRESENT—The President and members as before.

"William Calder and Lodowick Seely brought before the court on the three before mentioned charges; 1st. For levying war against the United States of America; 2nd. For being an enlisted soldier in the service of the King of Great Britain; 3rd. For enlisting men in the service of said King; plead generally not guilty.

"Lodowick Seely being examined, confesses that he was with Rose till the guard came after them and fired upon them in the clove on the hill; that when he came near the kill where the sentries hailed them, he heard Rose say that one Wouter was their guide to the kill; says that he was going with Rose to New-York.

"William Calder confesses that he went with Rose to the Widow Graham's; believes Wouter Stouter was the pilot that piloted their men to the creek; that he (the prisoner) had a gun loaded with powder and ball, which he brought from home; that he joined Rose at William Wood's; that they got pork and bread at said Wood's.

"Walter Stouter, brought before the court on a charge for aiding, assisting, and being an adherent to the enemies of the State of New-York, whilst owing allegiance to the laws of said State, pleads guilty.

"The prisoner in his defence says, that he went with Rose and his party to the kill and left him; that he found his conscience began to prick him, and he left Rose; that he durst not discover them to his neighbours; that he found himself so guilty he was afraid to do it; that Rose came to him and said to him, 'You must pilot me to the creek,' and at first refused, but that the devil possessed him in such a manner that he consented, and piloted them to the kill.

"John Low, brought before the court on the last before mentioned charge, pleads not guilty.

"The prisoner being examined, confesses that the High Dutch doctor came to his house; that he knew of his being with the enemy; that he told him of his fault and left him; that the doctor told him that he would be a friend to the country, but durst not make himself known; that Edward Wood, Junior, got his provision from his father's house, Edward Wood's; that the Dutch doctor eat with them.

"James Merkle and John Stokes were brought before the court, and charged with, 1st. Levying war against the United States of America; 2nd. For being an enlisted soldier in the service of the King of Great Britain; 3rd. For enlisting soldiers in the service of the said King, to which charges they plead generally not guilty.

"James Merkle being examined, says he was with Rose and his party; that he had a gun loaded with powder and ball; that he was with Rose at the mountains in the clove, where they were fired upon; that he was in the party that kept Teunis Van Vleet under guard, at the river.

"John Stokes says that he had a gun, but not loaded; had powder and ball with him; that he was drafted to come down in the 4 months' service, in Capt. Hasbrouck's company; that he went with Rose to the mountains before mentioned.

"Edward Wood, brought before the court for aiding, and assisting, and giving comfort to the enemies of the State of New-York, pleads not guilty.

"Edward Wood, Junr. brought before the court on the last mentioned charge, pleads not guilty.

"The prisoner being examined, says that the High Dutch doctor came in to Wood's and complained that his feet were swelled and wanted to be with them, but he did not like it, and would not let him be with them; and therefore went and left that cave and went to another; that the doctor followed him there and insisted on being with them, but he says he did not like it; that he knew him to be a bad man; that the doctor said he had had a chance for his life by trial; that if he thought he could be pardoned by the Americans he would enlist in the Continental service; then they went into the cave; that the doctor eat with him till he was taken. He says he never examined the doctor as to his being in New-York, for he took him to be a bad man and would not hold any discourse with him.

"Court adjourned till to-morrow morning.

"Court met.

"PRESENT—The President and members as before.

"Court adjourned till two o'clock this afternoon.

"Court met.

"PRESENT—The President and members as before.

"Court adjourned till to-morrow morning.

"Court met.

"PRESENT—The President and members as before.

"Jonathan Oakley, charged with the last before mentioned charges, pleads not guilty.

"No evidence appearing before the court against John Low, Edward Wood, Edward Wood, Junr. and Jonathan Oakley, they were acquitted.

"The court then taking into mature consideration the several charges against the several prisoners; the evidence against them, and confessions of said prisoners, do

"*Resolve*, That Jacob Davis, Andries Longyear, Frederick Keyser, Thomas Crispell, Peter Bush, Jacobus Furlong, Johannes Keyser, William Calder, Lodowick Seely, James Merkle and John Stokes, are guilty of the first charge alleged against them for levying war against the United States of America, in the State of New-York, whilst owing allegiance to the laws of said State; but that the said Jacob Davis, Andries Longyear, Frederick Keyser, Thomas Crispell, Peter Bush, Jacob Furlong, Johannes Keyser, William Calder, Lodowick Seely, James Merkle and John Stokes, are not guilty of the second and third charges alleged against them; and that Samuel Freligh and Abraham Middagh are guilty of aiding, assisting, giving comfort, and being adherent to the enemies of the State of New-York, in the State of New-York aforesaid, whilst they owed allegiance to the laws of said State; but do

"*Resolve*, That the said Samuel Freligh and Abraham Middagh, are not guilty of the first, second and third charges alleged against them: and further,

"*Resolve*, That William Wood, Richard Oakley and Walter Stouter are guilty of aiding, assisting, giving comfort to and being adherent to the enemies of the State of New-York, in the said State of New-York, whilst they owed allegiance to the laws of the said State; and do adjudge that Jacob Davis, Andries Longyear, Frederick Keyser, Thomas Crispell, Peter Bush, Jacobus Furlong, Johannes Keyser, William Calder, Lodowick Seely, James Merkle, John Stokes, Samuel Freligh, Abraham Middagh, William Wood, Richard Oakley and Walter Stouter, do suffer the pains and penalties of death, by being hanged by the neck till they are dead.

"The court having considered the condition of Jacob Davis, Andries Longyear, Thomas Crispell, Peter Bush, Johannes Keyser, James Merkle and William Calder, and in consequence of their apparent distress, open confession and promise of future obedience to the laws of the State of New-York, do recommend them for mercy.

"The court having examined the proceedings, do order them to be signed by the president.

"LEWIS DUBOIS, Colo. *President*.

"Capt. HENRY GOODWIN, *Judge Advocate*.

"Examination of Jacob Davis, who saith, that on Wednesday, the 23rd instant, Jacob Middagh, came to his father's house and asked him whether he would not go along with him to New-York to join the regulars, to which he consented and agreed to go with them, and immediately proceeded to get ready; and that his father provided him with provisions and other necessaries he wanted on his march; and that they went that night as far as Shokan; and that next day they marched to near Marbletown, at Jagh Crepplbos, and stopped a little at Abraham Middagh's, and went from thence to Richard Cackley's, where they came at about nine o'clock in the evening and tarried some time at his house, and then went along as far as William Wood's in the Cocksing Clove, where they met with Samuel Freligh, James Jones and a regular officer, who told them they were going with them in the morning, and that they lodged that night at said Wood's, and in the morning crossed the mountains together, to near the Widow Bevier's, in the New-Paltz precinct, when Lieut. Jacobus Rosa and Jacob Middagh, went to the widow's and shortly after returned, and then they went along and was piloted by Wouter Sluyter, to Cornelius Dubois's, at the Wallkill, and across it, when they took Jacob Freer and Teunis Van Vleit; and after some discourse between Lieut. Rosa and said Van Vleit, Lieut. Rosa, let him go, and said that Van Vleit was a good man, and that he would not keep him prisoner, and marched on that night as far as Alleck Campbell's, where they tarried that day; in the evening went a little further to a barn of Arthur McKinney, where they lodged that night, and tarried thereabouts the next day and night; that while they were there Samuel Freligh,

James Jones and the regular officer went to Major Colden's, and after some time, Samuel Freligh returned again and told them that Major Colden told him that he thought it was impossible for their company to get through to the regulars on account of the guards; and from that time he saw no more of Samuel Freligh, James Jones and the regular officer; and Monday morning went on their journey, and about twelve o'clock got on a large hill at or near the clove, where they were attacked by the militia, and that him and four more made their escape; but three of them did not come far back with them in company, and that he did not know what had become of the rest of the company.

"Examination of Andrew Longyear, who saith that on Wednesday, the 23rd instant, Jacob Middagh and another, came to his father's house and asked him to go along with him to New-York to the regulars, for the regulars would come up this way soon, and they would then come along with them and drive the inhabitants before them, and take their estates from them; then concluded to go along with them, and got himself ready and went with them to Samuel Davis's, and his son Jacob joined us, and that night went as far as Shokan, and on Thursday they went along to near Marbletown, and in the night went to Richard Oakley's, where they tarried some time, and from thence to William Wood's, in Cocksing clove, where they joined Lieut. Jacobus Rosa."

The proceedings of the said court martial were then read by parts.

1st. The proceedings against Jacob Davis, tried on three charges, viz: 1st. With levying war against the United States of America. 2nd. For being an enlisted soldier in the service of the King of Great Britain; and 3rd. For having enlisted men in the service of the said King while owing allegiance to the said State.

2nd. The proceedings against Andries Longyear, charged with the like crimes.

3rd. The proceedings against Thomas Crispell, charged with the like crimes.

4th. The proceedings against Peter Bush, charged with the like crimes.

5th. The proceedings against Johannes Keyser, charged with the like crimes.

By the said proceedings it appears that the said several culprits are respectively found guilty, and adjudged to suffer the pains and penalties of death by being hanged by the neck until they are dead.

The same proceedings and sentences being severally, and each by itself considered and determined, the Convention does approve of, ratify and confirm the said several sentences.

And whereas this Convention think it their duty in some cases, by extending mercy to mitigate the rigor of justice, and the said several persons being by the said court martial recommended to mercy, in consequence of their apparent distress, open confession and promise of future obedience to the laws of the State of New-York: Therefore,

Resolved, That the President, in the name, and by the authority of this Convention, do issue a pardon to each of them, the said Jacob Davis, Andries Longyear, Thomas Crispel, Peter Bush and Johannes Keyser, of the crimes whereof each of them respectively has been convicted as aforesaid.

The proceedings of the said court martial against the following persons were then read, to wit:

1st. The proceedings against Samuel Freligh, tried on four charges, viz: 1st. For levying war against the United States of America. 2nd. For being an enlisted soldier in the service of the King of Great Britain. 3rd. For enlisting men in the service of the said King; and 4th. For aiding, assisting, and giving comfort, and being adherent to the enemies of the State of New-York, while owing allegiance to the said State, together with the confession of, and testimony against, the said Samuel Freligh, and sentence of the said court martial thereon, were respectively read.

The proceedings of the said court martial against the said Frederick Keyser, on the said three first above mentioned charges, with the confession of, and testimony against, the said Frederick Keyser, and the sentence of the said court martial thereon.

The proceedings of the said court martial against the said Jacob Furlong on the said three first above mentioned charges, with the confession of, and testimony against, the said Jacob Furlong.

The proceedings of the said court martial against the said William Wood, charged with aiding and assisting, and holding correspondence with, and giving comfort to the enemies of the State of New-York, whilst owing allegiance to the laws of the said State, together with the defence of the said prisoner, and the evidence against the said prisoner, with the sentence of the said court martial thereon. And the proceedings of the said court martial against Richard Oakley, charged before the said court martial with the crime last above mentioned, together with the defence of the said prisoner, and the sentence of the said court martial thereon, were each respectively read.

By the proceedings of the said court martial, it appears that the said Samuel Freligh is found guilty of aiding, assisting, giving comfort and being adherent to the enemies of the State of New-York, in the State of New-York aforesaid, whilst he owed allegiance to the said State; and is acquitted of the first and third charges against him. That the said Frederick Keyser and Jacob Furlong are found guilty of the first charge alleged against them, for levying war against the United States of America, in the State of New-York, whilst owing allegiance to the laws of said State; and are acquitted of the second and third charges alleged against them. That the said William Wood and Richard Oakley are guilty of aiding, assisting, giving comfort to and being adherent to the enemies of the State of New-York, in the said State of New-York, whilst they owed allegiance to the laws of the said State. Wherefore the said Samuel Freligh, Frederick Keyser, Jacobus Furlong, William Wood and Richard Oakley are respectively adjudged to suffer the pains and penalties of death, by being respectively hanged by the neck until they are dead.

The said several sentences being severally, and each by itself, considered and determined, the Convention does approve of, and ratify and confirm the said several sentences. Mr. Jay, Mr. Clarke, Mr. Brasher, Mr. Tompkins, Mr. Wisner, Mr. Van Zandt, Mr. Sackett, Mr. Roosevelt, Mr. Miller. Mr. William Harper dissent from the confirmation of the sentence against William Wood.

But this Convention, willing further to mitigate the rigour of justice and extend mercy,

Resolved, That the said Samuel Freligh and Jacob Furlong be respectively pardoned of the crimes whereof each of them respectively has been convicted as aforesaid.

The proceedings of the court martial, relative to John Low, Edward Wood, Edward Wood, Jr. and Jonathan Oakley, whereby they are acquitted, were also read.

The same being considered, the Convention do approve of and confirm the said determination of the court martial, as to the said John Low, Edward Wood, Edward Wood, Junr. and Jonathan Oakley.

Ordered, That the President transmit to Colonel Hornbeeck General Clinton's order, by express; and inform that Convention have resolved and ordered that some of the culprits shall be executed on Tuesday next, between the hours of ten o'clock in the morning and four in the afternoon, and request him to have his guards ready, agreeably to the general order for the purpose, to see execution done.

Ordered, That Egbert Dumond, Esquire, high sheriff of Ulster county, have permission to go on board of all the

vessels at the Landing at his pleasure, or to send any person on board, who shall be the bearer of a copy of this order, to endeavour to obtain an executioner.

Adjourned till 4 o'clock, P. M.

DIE SOLIS, 4 *ho. P. M. May* 11, 1777.

The Convention met pursuant to adjournment.

PRESENT—Genl. Abm. Ten Broeck, *President.*

Genl. Scott, Colo. Brasher, Mr. Robt. Harper, Mr. Dunscomb, Mr. Bancker, Mr. Jay, Mr. Roosevelt—*New-York.*

Mr. W. Harper—*Tryon.*

Genl. Ten Broeck Mr. Abm. Yates, Jr. Mr. Bleecker—*Albany.*

Mr. Sackett—*Dutchess.*

Colo. De Witt, Mr. Tappen, Major Parks—*Ulster.*

Mr. Miller, Mr. Tredwell, Mr. W. Smith—*Suffolk.*

Judge Graham, Mr. Morris, Mr. Tompkins—*Westchester.*

Mr. Wisner—*Orange.*

Mr. Miller having departed while the names of the members were entering, and Mr. Clarke being absent, for want of a quorum the House adjourned till to-morrow morning.

MONDAY MORNING,
May 12, 1777.

The Convention met pursuant to adjournment.

Opened with prayer by the Revd. Doct. Rogers.

PRESENT—General Ten Broeck, *President.*

Mr. Jay, Mr. Bancker, Mr. Roosevelt, Mr. Harper, Capt. Rutgers, Mr. Beekman, Mr. Dunscomb, Colo. Brasher, Genl. Scott—*New-York.*

Mr. Harper, Mr. Newkerk—*Tryon.*

Genl. Ten Broeck, Mr. Abm. Yates, Mr. Bleecker—*Albany.*

Mr. Tompkins, Judge Graham—*Westchester.*

Mr. Tredwell, Mr. Miller, Mr. Smith—*Suffolk.*

Mr. G. Livingston, Mr. John Schenk, Mr. Sackett—*Dutchess.*

Major Tappen, Major Parks, Colo. De Witt—*Ulster.*

Mr. Clarke, Mr. Wisner—*Orange.*

Ordered, That the President write to Robert Yates and John Sloss Hobart, Esquires, informing them of their being appointed puisne judges of this State, and requesting their immediate attendance at this place to take the oaths of office.

Mr. Jay reported the following resolutions and drafts of letters, in answer to the letters from the committee of Albany and General Gates, received the 11th instant, which were respectively read and agreed to, and are as follows, to wit:

"WHEREAS it hath been represented to this Convention by the committee of the city of Albany, that the jails of the said city have lately become crowded by a number of dangerous and disaffected persons, many of whom have lately been apprehended in arms, and confined in the said jails: AND WHEREAS the said committee have requested the advice and direction of this Convention respecting the best manner of disposing of the said prisoners, and such others as may be sent to the said jail, so as that they may be accommodated in a manner more comfortable to themselves and less burdensome to the inhabitants, who have been obliged to guard the said jails:

Resolved, That the committee of the city and county of Albany, or their sub-committee, be, and they hereby are, authorized at their discretion to prepare any two or more vessels in Hudson's river, near the said city, for the reception of all such prisoners as they may think proper to confine on board the same; to appoint a commissary to provide them with necessary subsistence and a proper guard to take care of them.

Resolved, That this Convention will defray the expense attending the execution of the aforegoing resolution.

Resolved, That every person who shall be found on shore after having been confined on board of the said vessels, or either of them, without having been properly discharged, shall be deemed guilty of felony without benefit of clergy.

Resolved, That no person be permitted to go on board the said vessels without the leave or order of the said committee.

"*May* 12, 1777.

"SIR—Your letter of the 9th instant has been laid before the Convention. They are happy to be informed that the insurrections in your county are so nearly suppressed.

The Convention hope the enclosed resolutions will be agreeable to the committee, and I am directed to assure you that the Convention will at all times adopt such measures as may conduce to the ease and prosperity of the citizens of Albany.

"I am, &c.

"To the Chairman of the city of Albany."

"*May* 12, 1777.

"SIR—The Convention have received your favour of the 9th inst. Your opinion that it will not be necessary to abandon any post of Ticonderoga, gives them great pleasure, and I am directed to assure you that the exertions of this State shall not be wanting to render your efforts in the common cause successful.

"I have the honour to be, &c.

"To the Honle. Genl. GATES."

The Convention then resumed the consideration of the residue of the proceedings of the court martial held at Fort Montgomery on the 2nd instant and afterwards.

The proceedings of the said court martial against the said Abraham Middagh, on four charges. 1st. For levying war against the United States of America. 2nd. For being an enlisted soldier in the service of the King of Great Britain. 3rd. For enlisting men in the service of the said King. 4th. For giving aid, assistance, and being adherent to and secreting the enemies of the said States, together with the defendant's plea and the evidence against him, were read.

The proceedings against Walter Stouter, charged and tried before the said court martial for aiding, assisting and being adherent to the enemies of the State of New-York, whilst owing allegiance to the laws of the said State, together with the defendant's plea of guilty, were read.

By the said proceedings it appears that the said Abraham Middagh is found guilty of aiding, assisting, giving comfort and being adherent to the enemies of the State of New-York in the State of New-York aforesaid, and acquitted of the other charges against him.

And that the said Walter Stouter is found guilty of the charge made against him; and that the said Abraham Middagh and Walter Stouter are, by the said court, sentenced to suffer the pains and penalties of death, by being severally hanged by the neck until they are dead.

The said two several sentences severally and each by itself considered and determined, the Convention does approve of and ratify and confirm the said sentences; but this Convention hoping that the further extension of mercy may tend to induce the deluded to return to a sense of their duty,

Resolved, That the said Abraham Middagh and Walter Stouter be pardoned of the crimes whereof each of them respectively has by the said court martial been convicted as aforesaid.

The proceedings of the said court martial against William Calder and James Merkle, on the three first mentioned charges, with the confessions of the defendants respectively, and the sentences of the said court whereby the said two defendants are respectively found guilty of levying war against the United States of America in the State of New-York, and thereby adjudged to be respectively hanged by the neck until they are dead, were read.

The said sentences being respectively read, were approved of and confirmed; but the said William Calder and James Merkle being by the said court martial, in consequence of their apparent distress, open confession and pro-

mise of future obedience to the laws of the State of New-York, having recommended them to mercy,

Resolved, That the said William Calder and James Merkel be pardoned.

The proceedings of the said court martial against Lodowick Seely and John Stokes, tried respectively on the three first charges above mentioned, found guilty respectively of the first charge against them, to wit: for levying war against the United States of America, in the said State of New-York, whilst owing allegiance to the laws of the said State, together with the sentence of the said court respectively adjudging them guilty, and sentencing each of them to suffer the pains and penalties of death, by being hanged by the neck until they are dead, were respectively and separately read and considered.

Resolved, That the sentence of the said court martial as to each of them, the said Lodowick Seely and John Stokes be, and hereby is, reversed.

A list of the several prisoners under sentence of death, whose sentences are confirmed, and who are pardoned, or resolved to be pardoned, being made by order; their names are as follows, viz: John Van Vleet, William McGinnis, Cornelius Furler, Coenradt Misener, Andries Keyser, John Rapelye, Silvester Vandermerkan, Jacobus Rosa, Jacob Middagh, Jacobus Langyou, Arthur McKinney; [confirmed May 3rd,] Silas Gardener, Frederick Keyser, Richard Oakley, and Abraham Middagh.

The question being put, whether any more than Rosa and Middagh be hanged, it was carried that no more be hanged. Dissenting—General Scott, Mr. Tredwell, Mr. G. Livingston, Mr. Bancker, Mr. Robert Harper, Mr. Dunscomb, Mr. Bleecker.

Resolved, That the above named persons be pardoned, except Rosa and Middagh; but that the said pardons be withheld from them, during the discretion of the Convention, or Council of Safety, or Governor of this State; and that the members and Secretaries of Convention pledge their honours in the mean time, to keep the said pardons secret.

Messrs. Scott, G. Livingston and Bleeker dissent as to the granting of the pardons.

Resolved, That with respect to all the other prisoners sentenced to die, and pardoned, it be in the discretion of the Council of Safety, or Governor of this State, to deliver their pardons and discharge them, when it shall, to the said Council or Governor, appear most expedient: And that the said Council of Safety have the like controul over the sentences and proceedings of courts martial, as this Convention possesses; and at their discretion to determine the powers granted to the said courts by the Convention, before the expiration of the time limited for their duration.

Monday Afternoon, *May* 12, 1777.

The Convention met pursuant to adjournment.

Present—General Ten Broeck, *President*.

Genl. Scott, Mr. Jay, Mr. Roosevelt, Colo. Brasher, Mr. Harper, Mr. Dunscomb—*New-York*.

Major Lawrence—*Queens*.

Genl. Ten Broeck, Mr. Abm. Yates, Mr. Bleecker, Mr. R. Livingston—*Albany*.

Mr. G. Livingston, Mr. Sacket, Capt. John Schenk—*Dutchess*.

Mr. Harper, Mr. Newkerk—*Tryon*.

Mr. Smith, Mr. Tredwell, Mr. Miller—*Suffolk*.

Judge Graham, Mr. Tompkins—*Westchester*.

Major Parks, Colo. De Witt—*Ulster*.

Mr. Wisner, Mr. Clarke—*Orange*.

Mr. Tompkins, from a committee for that purpose appointed, reported a set of resolutions for the appointment of commissioners to settle and pay off the accounts of sundry of the inhabitants in Westchester county, for foraging, &c. &c. The consideration of the same postponed till to-morrow.

On motion of Mr. Jay,

The House proceeded to the consideration of so much of General George Clinton's letter of the 9th instant, as relates to his resignation of his commission of brigadier-general of the militia of Ulster and Orange county.

Mr. Jay moved that General Clinton's resignation be not accepted, and that a committee be appointed to draft a letter to him, assigning the reasons for this refusal; and among others, that the high sense this House entertain of his abilities to serve his country in this important hour, forbid their complying with his request.

Debates arose, whether the House has a right to refuse to accept of the said resignation. Thereupon,

Mr. Jay moved, and was seconded, for the following resolution:

Resolved, That this Convention may of right refuse to accept the resignation of the commissions, by them granted to the brigadier-generals of the militia of this State.

Mr. Tredwell then moved that the question on the said motion be not now put.

Debates arose, and the question being put thereon, it was carried in the negative, in the following manner, to wit:

For the affirmative.		*For the negative.*	
Ulster,	4	Dutchess,	5
Albany,	6	Suffolk,	4
Orange,	3	New-York,	8
	13	Genl. Scott, Col. Brasher and Mr. Harper dissenting.	17

The question was then put on Mr. Jay's motion, and carried in the affirmative, in manner following, to wit:

For the affirmative.		*For the negative.*	
Dutchess,	5	Albany,	6
Suffolk,	4	Orange,	3
New-York,	8		9
Ulster,	4		
	21		

Therefore,

Resolved, That this Convention may of right refuse to accept the resignation of commissions by them granted to the brigadier-generals of the militia of this State.

On motion of Mr. Jay,

Resolved, That the further consideration of the said part of General Clinton's letter, be postponed till to-morrow morning.

TUESDAY MORNING, *May* 13*th*, 1777.

The Convention met pursuant to adjournment.

Opened with prayer by the Revd. Doct. Rogers.

Present—General Ten Broeck, *President*.

Mr. Jay, Colo. Lott, Mr. Dunscomb, Capt. Rutgers, Mr. Beekman, Mr. Harper, Mr. Roosevelt, Colo. Brasher—*New-York*.

Major Lawrence—*Queens*.

Mr. Clarke, Mr. Wisner—*Orange*.

Genl. Ten Broeck, Mr. Abm. Yates, Mr. Bleecker, Col. Livingston—*Albany*.

Mr. G. Livingston, Mr. Sackett, Capt. John Schenk—*Dutchess*.

Mr. Harper, Mr. Newkerk—*Tryon*.

Mr. Smith, Mr. Tredwell, Mr. Miller—*Suffolk*.

Mr. Morris, Judge Graham, Mr. Tompkins—*Westchester*.

Major Tappen, Major Parks, Colo. De Witt—*Ulster*.

The petition of Jacobus Rosa and Jacob Middagh, sentenced to be hanged this day, praying for a few days' respite, was read and rejected; Capt. Rutgers, Colonel Livingston and Mr. Wisner dissenting.

Resolved and Ordered, That Hendrick Crispel, William Tiets, Junr. and Frederick Keyser, who were severally convicted of treason against this State, and are pardoned by this Convention, be immediately discharged, and that they call upon the Secretaries this evening for their

pardons. And that John Low, Edward Wood, Edward Wood, Junr. and Jonathan Oakley, who were respectively tried for treason, and acquitted, be discharged.

Resolved, That Major Van Zandt and Mr. Gilbert Livingston, be added as members to the Council of Safety of this State.

Mr. Sacket, a member of the committee appointed last winter to superintend an expedition into Westchester county, informed the House that the said committee, in order to collect intelligence, were under the necessity of employing a person for that purpose, who hath devoted his time to the business, and much exposed himself to danger: Thereupon,

Ordered, That the Treasurer of this State pay into the hands of Jonathan G. Tompkins, Esq. another member of the said committee, the sum of one hundred pounds, to be by him paid to the said person employed by the said committee as aforesaid, and take his receipt for the same.

As by the 35th section of the constitution established by this Convention, it is ordained, "That the resolves or resolutions of the Congresses of the Colony of New-York, and of the Convention of the State of New-York now in force and not repugnant to the government established by the said constitution, shall be considered as making part of the laws of this State;" and as the said resolves and resolutions are at present in such a state, that the Council of Safety, or future Legislature of this State, cannot possibly, without great loss of time and uncertainty, determine which of the aforesaid resolves and resolutions are still in force: Therefore,

Resolved, That Mr. Tappen and Mr. Tredwell be a committee to revise the above referred to resolves and resolutions carefully, and with all possible despatch to digest and form an index to the same, and that they be empowered to employ one or more clerks for that purpose.

The committee to whom was referred a letter from Morgan Lewis, deputy quarter-master-general, requesting a quantity of junk for the use of the artillery in the northern department, report:

"That there is a large quantity of junk on board of the Continental brig, which can be spared to Mr. Lewis, and leave a sufficient supply for the Continental frigates.

"Your committee further report, that by information, there is four coils of white rope at Poughkeepsie, which was ordered to be made by General Schuyler for the use of the artillery in the northern department."

The foregoing report being read, was referred to the Council of Safety.

The petition of Cadwallader Colden, John Cumming, and six others, confined in Kingston jail, dated the 11th May instant, was read.

Ordered, That Garret Freer, a prisoner now confined in the jail below, be discharged, on being admonished and paying his fees. Mr. Bleecker dissenting.

Resolved, That Colonel De Wit and Major Tappen be a committee to confine Cadwallader Colden, John Cumming, Alexander Cruikshank and Richardson Thurman, in some house in the vicinity of Kingston, under such restrictions as the committee may think proper.

The Convention were informed that the galleys in Hudson's river are completely armed and fitted, and only want men.

Thereupon, Mr. Morris was appointed to write a letter to the Board of War, to assist Captain Cook to get men for the galleys in Hudson's river.

WHEREAS a committee was appointed by this Convention for removing the grain and forage, and also the well affected inhabitants from the lower parts of the county of Westchester, and the debts contracted in executing the said resolution remain still unpaid, to the great damage of individuals and injury to the public cause: Therefore,

Resolved, That Jonathan G. Tompkins, Richard Hatfield and Philip Pell, Junior, or any two of them, be, and they hereby are, appointed commissioners to settle the accounts of said committee, and to pay off all just demands against them for such forage and grain, or for assisting in removing the same; and likewise for assisting, at the request of said committee in removing the well affected inhabitants as aforesaid; and that the said commissioners be, and they hereby are, empowered to draw upon the treasury of this State, for any sum not exceeding six thousand pounds, for the purpose aforesaid; and if the said sum of six thousand pounds shall, upon the settlement of said accounts, be found insufficient for discharging all the just demands aforesaid, that they be empowered, with the consent of the Council of Safety, to draw upon the treasury for such further sum or sums as shall be found to be necessary for that purpose; and that the said commissioners do, as soon as may be, give a true and full account of their proceedings to the Council of Safety or future Legislature of this State.

Resolved, That where the prices of the grain or forage aforesaid, have not been agreed on by the said committee and the proprietors thereof, the said commissioners be empowered to allow to the inhabitants of said county for every bushel of wheat, seven shillings; for every bushel of rye, five shillings; for every bushel of oats, three shillings and six pence; for every bushel of Indian corn, five shillings; for every bushel of buckwheat, three shillings; for every bushel of salt, twenty shillings; for every hide, thirty shillings; and for every hundred weight of hay, five shillings; and that the said commissioners keep a separate account of the charges of removing the well affected inhabitants of said county.

Ordered, That the commissioners above named, do direct and order all the salt by them taken and collected as aforesaid, to be transported to Kingston, to be disposed of as the Council of Safety or future Legislature of this State shall direct.

The House proceeded to the consideration of that part of General George Clinton's letter, which relates to his resignation, &c.

Resolved, That General George Clinton's resignation be not accepted, and that the Council of Safety write to him, assigning the reasons for this refusal, and among others that the high sense this Convention entertain of his abilities to serve his country at this important hour, forbid their complying with his request at present.

Mr. Abraham Yates brought in a report for electing Governor and Lieutenant-Governor, which was read, and postponed till afternoon.

A letter from Isaac Paris, dated 8th May, was read, and referred to the Council of Safety.

Ordered, That the doorkeeper call on Colonel Snyder and direct him to attend this Conuention at 5 o'clock this afternoon.

Resolved, That either of the commissioners in Ulster county, appointed to take charge and dispose of the personal property of persons gone over to the enemy, be empowered to inspect into and determine what effects Mrs. Clopper ought to be permitted to remove to Poughkeepsie.

TUESDAY AFTERNOON, *May* 13, 1777.

The Convention met pursuant to adjournment.

PRESENT—Brigr. Genl. Ten Broeck, *President*.

Gen. Scott, Mr. Jay, Mr. R. Harper, Mr. Van Zandt, Mr. Beekman—*New-York*.

Mr. Newkerk, Mr. W. Harper—*Tryon*.

Genl. Ten Broeck, Mr. Abm. Yates, Mr. Bleecker—*Albany*.

Mr. Gil. Livingston, Mr. Sackett, Mr. Jno. Schenk—*Dutchess*.

Mr. Clarke, Mr. Wisner—*Orange*.

Mr. Tredwell, Mr. W. Smith, Mr. Miller—*Suffolk*.

Judge Graham, Mr. Tompkins, Mr. Morris—*Westchester*.

Colo. De Witt, Major Tappen, Major Parks—*Ulster*.

The President informed the Convention that the doorkeeper reported that Colonel Snyder's family informed him that the Colonel is not returned from Fort Montgomery.

Resolved and Ordered, That the subject matter of the arrest of Colo. De Witt, one of the members of this Convention, by order of Colonel Snyder or one of the officers under his command, be referred to the Council of Safety, to hear and determine thereon.

A letter from Isaac Paris, chairman of the committee of Tryon county, dated the 8th instant, with a long postscript, requesting a party of rangers to be raised and employed in that county, was read.

Ordered, That 22 commissions in addition to 28 already issued, be sent to the committee of Tryon county, and that the residue of the said letter be referred to the Council of Safety.

A letter from the committee of Albany dated the 12th instant, was read, and is as follows, to wit:

"GENT—I am directed by the committee to enclose you a draft on the President of the Convention for one thousand pounds, which you will please to send up with the first safe opportunity.

"I am, gent. your humble servt.
"By order,
"MAT. VISSCHER.

"To the Deputies of the County of Albany.

"N. B. The loan officers have a large sum of money on hand."

A resolution of the committee of Albany requesting an order for the sum of one thousand pounds to defray the necessary charges of the county, was read, and follows, viz:

"ALBANY COMMITTEE CHAMBER, "21st *April*, 1777.

"PRESENT—John Barclay, Esq. *Chairman*.

"Genl. Ten Broeck, Henry Van Vechten, John Price, Jeremiah Van Rensselaer, Abraham Ten Eyck, Isaac Van Aernam, Peter Bratt, Henry I. Bogart, John M. Beekman, Garrit Lansing, Junr. John Tayler, Henry Wendell, Peter Ryckman, Jacob Lansing, Jr. John Ja. Beekman.

"*Resolved*, That the chairman draw on the President of the Convention of this State for the sum of one thousand pounds, to defray the necessary charges of the county and State within the same.

"Extract from the minutes,
"MAT. VISSCHER, *Secy*."

"SIR—Please to pay the above sum of one thousand pounds to Messrs. Abraham Yates, Jr. Abraham Ten Broeck and Robert Yates, or either of them, and charge the same to this county.

"I am, sir, your humble servt.
"By order,
"JOHN BARCLAY, *Chairman*.

"Attest, MAT. VISSCHER, *Secy*.

"To the President of the Convention
of the State of New-York."

Ordered, That the Treasurer of this State pay to Abraham Yates, Junr. Abraham Ten Broeck and Robert Yates, or either of them, the sum of one thousand pounds, to defray the necessary charges of the said county, and charge the same to the said county of Albany, to be raised and repaid by the said county, at such time and in such manner as a future Legislature shall direct. And

Ordered, That the said committee of Albany render a particular account of the expenditure of the former sums of money advanced to them by the representatives of this State, and also of the said sum of one thousand pounds above mentioned, to the Council of Safety or future Legislature of this State, with all possible despatch.

Garrit Freer, a prisoner confined in the jail below, was brought up, and admonished by the President, and a discharge for him delivered to the sheriff on his paying the fees due.

Resolved and Ordered, That the committee appointed to report a plan for the management of Indian affairs in this State, do report to the Council of Safety.

Resolved and Ordered, That the Council of Safety be directed to prepare the boundaries of this State and the evidence thereof, and to lay the same before the Congress, if it shall be necessary, prior to the session of the Legislature of this State.

A letter from Zephaniah Platt, Matthew Cantine and Egbert Benson, recommending Henry and John Livingston as agents to go to the eastern colonies to purchase salt for this State, was read.

Ordered, That the said letter be referred to the Council of Safety.

A French memorial from M. Derdevens, a French notary public, dated the 6th of May instant, was read and ordered to be referred to the Council of Safety.

General Scott had leave to depart on public business.

A number of pay rolls of the Tryon county rangers were delivered in for payment.

Ordered, That they be retained and delivered to the Auditor-General on his return.

The resolutions, giving the commissioners for sequestering the personal estates of persons gone over to the enemy, directions with respect to such estates as may be claimed by persons not gone over to the enemy, and authorizing the said commissioners to lease out the lands and tenements of persons gone over to and joined the enemy, were read, amended and agreed to as follows:

WHEREAS the commissioners appointed to dispose of, and preserve, the property of persons gone over to the enemy, have represented to this Convention that they are at a loss how to act where (as frequently happens) the goods to be disposed of are claimed by persons still residing amongst us. Therefore,

Resolved, That where any goods above the value of forty pounds taken by the said commissioners, shall be claimed by virtue of a bill of sale or otherwise, and the claimant shall show probable title thereto; that the commissioners shall deliver them to the person claiming the same, first taking security that they, or the value thereof, shall be forthcoming whenever called for; and if the goods in question shall not exceed the value of forty pounds, that the said commissioners shall examine the party claiming the same, on oath, touching the property, and if it shall appear either by his or her oath or otherwise, that the claim is justly founded, shall deliver the goods so claimed to the person who shall appear to be the proprietors thereof, without demanding any security for the same; and if upon such examination, the person demanding the said goods shall refuse to be examined on oath, or being examined, shall not swear that he or she is proprietor thereof, that the said goods shall be disposed of in like manner as if no such claim had been set up, and the party aggrieved shall be at liberty to institute a suit in any court of record against the said commissioners for the recovery of the value thereof, which suit shall be defended at the expense of the State; and in all cases where the property shall exceed the value of forty pounds, and shall be delivered to the person claiming the same by virtue of the above resolution, the commissioners shall, if they suspect fraud in the claimant, apply to the Attorney-General of this State, who shall bring a suit for the recovery of the said goods, in the name of the Treasurer of this State, in any court of law or equity within the same.

Resolved, That the commissioners above named, be directed and empowered to lease out the lands and tenements of all such persons as already have gone, or hereafter shall go unto and join the enemies of this State, under moderate rent, from year to year, to persons friendly to the cause of America, and who will covenant to keep the same in repair, and to suffer no waste to be done thereon; provided always that the said commissioners be empowered to make such reservations as they shall think proper for the subsistence of the families, which by such persons may be left in necessity.

Resolved, That in all such leases, the inhabitants of this State, who have been driven from their habitations by the enemy, should be preferred by the commissioners to others

who have not that claim to the favour of the public, provided they apply before any engagement shall be made with other persons for the said lands and tenements.

WHEREAS the secret committee of this Convention appointed in June last past, for obstructing the navigation of Hudson's river, have not for several reasons been able to report their proceedings :

Resolved, That the said committee be, and they are hereby directed to report their proceedings to the Council of Safety as soon as possible.

A motion was made and seconded that this Convention proceed to elect Delegates to represent this State in Congress.

Debates arose thereon, and the question being put, it was carried in the affirmative, in manner following, to wit:

For the affirmative.		*For the negative.*	
Westchester,	4	Suffolk,	4
Dutchess,	5	Orange,	3
New-York,	8		7
Ulster,	4		
	21	Albany divided.	

On motion of Mr. Jay,

Resolved, That five Delegates be elected by ballot to represent this State in Congress, until the Legislature of this State shall at their first meeting make further provision; that three at least of the said Delegates shall statedly attend; and that any two, or more of them so attending, be a quorum, and enabled to represent and give the vote of this State in Congress.

The ballots of the several counties being taken and told, it appears that the Honourable Philip Schuyler, Philip Livingston, James Duane, William Duer and Governeur Morris, Esquires, were duly elected to be the said Delegates. Thereupon,

Resolved, That the gentlemen above named, be the present Delegates of this State in Congress, and that the said Delegates do from time to time give their attendance in Congress, according to the orders of the Council of Safety of this State.

Resolved, That the thanks of the Representatives of this State in Convention, be given to Philip Livingston, James Duane, John Jay, William Floyd, Henry Wisner, Philip Schuyler, George Clinton, Lewis Morris, Francis Lewis and Robert R. Livingston, Junr. Esquires, Delegates of this State in the Honourable the Continental Congress, for their long and faithful services rendered to the Colony of New-York, and to the said State.

Ordered, That the President do transmit the same properly attested to each of the said Delegates.

Resolved and Ordered, That the Council of Safety do assemble at this place to-morrow morning at nine o'clock.

The Convention then dissolved.

JOURNAL

OF THE

COUNCIL OF SAFETY.

DIE MERCURII, 10 HO. A. M.

May 14, 1777.

The members of the Council of Safety met, vizt:

Genl. Scott,	Major Tappen,
Mr. Jay,	Mr. Robt. Harper,
Mr. Abm. Yates,	Mr. Gilbt. Livingston,
Colo. De Witt,	Major Van Zandt.

For want of another member to make a quorum, adjourned till four o'clock this afternoon.

Die Mercurii, 4 *ho. P. M. May* 14, 1777.

The following members of the Council of Safety met pursuant to adjournment:

Present—Pierre Van Cortlandt, General Scott, Mr. Jay, Mr. Abm. Yates, Colonel De Witt, Major Tappen, Mr. Robt. Harper, Mr. Gilbt. Livingston, Major Van Zandt.

Pierre Van Cortlandt, Esquire, was unanimously elected President of the Council.

John McKesson and Robert Benson Secretaries, and Thomas Pettit, doorkeeper.

Barent Van Denburgh and Robert R. Vandusen, two persons from the manor of Livingston, who had been deluded and have returned to their allegiance, applied to Convention for the benefit of the ordinance passed by the Convention on the tenth day of May instant. They took the oath of allegiance before Major Tappen and severally subscribed the same on a roll. And they severally subscribed, in his presence, a certificate acknowledging that they have severally received and claimed the benefit of the said ordinance, and taken the oath of allegiance to this State and received their pardons respectively. Thereupon a pardon was delivered to the said Barent Van Denbergh in the words following, to wit:

"*The Council of Safety for the State of New-York, to all to whom these presents shall come,* send greeting:

"Whereas the Convention of the State of New-York did, on the tenth day of May, in the year of our Lord one thousand seven hundred and seventy-seven, make and publish 'a declaration or ordinance,' offering free pardon to such of the subjects of the said State as having committed treasonable acts against the same, should return to their allegiance: And whereas it hath, in the manner prescribed by the said ordinance, been certified to the said Council that Barent Van Denbergh, late of the manor of Livingston, having committed treasonable acts against the said State, and being desirous of returning to his allegiance, hath taken the oath in the said ordinance specified and in all things complied with the terms thereof;

"Know ye that the said Council, in pursuance of the direction of the said ordinance, doth hereby fully and freely pardon all and every treasonable acts and deeds by the said Barent Van Denbergh against the said State of New-York, committed before the said tenth day of May, one thousand seven hundred and seventy-seven.

"And the said Barent Vandenbergh is restored to a participation of all the rights, liberties and privileges appertaining to the good people of the said State of New-York.

"In witness whereof, Pierre Van Cortlandt, Esquire, President of the Council, hath hereunto subscribed his name in the said Council, the fourteenth day of May, in the year of our Lord one thousand seven hundred and seventy-seven."

A similar pardon, *mutatis mutandis*, was also given to the said Robt. R. Van Dusen.

A letter from Zephaniah Platt, Mathew Cantine and Egbert Benson, dated the thirteenth instant, and recommending Henry and John Livingston to be sent to Boston for salt, was read, and follows, vizt:

"*Rhinebeck, May 13th*, 1777.

"Sir—Messrs. Henry and John Livingston inform us, there are considerable quantities of salt in the eastern States; that it may be procured reasonably, and are willing to contract with Convention upon being allowed proper commissions to bring a quantity into this State.

"We conceive it a matter of such importance that we have taken the liberty of recommending the measure to the attention of Convention, and the above gentlemen as proper persons to be employed in the business.

"We remain your most obedt. servts.

"ZEPHA. PLATT, Jr.
"MATHEW CANTINE,
"EGBT. BENSON.

"To the Honble. Abraham Ten Broeck, Esqr.
President of the Convention, Kingston."

Thereupon, on motion of Mr. Jay,

Resolved, That six thousand bushels of salt be purchased in Massachusetts Bay, or some other of the eastern States, and transported into this State for the use of the inhabitants thereof.

The Council were informed by a member sent to confer with Messrs. Henry and John Livingston, that if they should be employed to purchase and transport salt, they would expect to receive commissions, as well on all expense and disbursements for transportation, as on the purchase money, and conceive five per cent commissions to be no more than a compensation, even if the quantity to be purchased had been 10,000 bushels.

A majority of the members of Council being of opinion that the commissions above proposed will be too great an expense, Mr. Jay moved, and was seconded by Mr. Gilbert Livingston, that four per cent commissions be allowed to Messrs. John and Henry Livingston, for purchasing and transporting salt to such part of this State as this Council of Safety may direct.

The question being put thereon, it passed in the negative as follows, vizt:

For the negative.	*For the affirmative.*
Genl. Scott,	Mr. Jay,
Colo. De Witt,	Mr. Gil. Livingston,
Mr. Abm. Yates,	Mr. Robt. Harper.
Major Tappen,	
Major Van Zandt.	

On motion,

Resolved unanimously, That three per cent commissions be allowed to Messrs. Henry and John Livingston for that business, if they shall choose to undertake and manage the same effectually.

Accounts of the services of militia, who have served under Colonel Robert Van Rensselaer at sundry times, were exhibited for payment.

Ordered, That Major Tappen and Robt. Harper be a committee to examine and audit the said pay and subsistence rolls.

Mr. Gilbert Livingston has leave of absence until next Monday morning.

Mr. Abraham Yates has leave of absence, to depart when Mr. Cantine shall attend, and to be absent seven days from the time of his departure.

DIE MARTIS, 10 HO. A. M.

May 15, 1777.

The Council of Safety met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Major Tappen, Mr. Robt. Harper, Colo. De Witt, Mr. Morris, Mr. Jay, Major Van Zandt, Mr. Abraham Yates, Mr. Cantine.

Colonel Abraham P. Lott delivered in a report and proposals for purchasing salt for this State, which were read. Thereupon,

Resolved, That Colo. Lott be and he is hereby appointed to purchase salt for the use of the inhabitants of this State; that he be and is hereby authorized and empowered to purchase and transport, to such place or places in this State, six thousand bushels of salt for the use aforesaid; and that he be allowed two and a half per cent commissions on all costs and charges attending the purchase and transportation of such salt.

That Colo. Lott be requested and empowered to apply to Joseph Trumbull, Esquire, Commissary-General, or any other person who can give information on that subject, whether any part of the salt, for the importation of which he contracted with this State, is imported. That Colo. Lott forward to the same place all such salt contracted for as aforesaid as may be arrived; and that he be allowed the like commission of two and a half per cent for his trouble in forwarding and transporting the salt last mentioned.

Ordered, That the Treasurer of this State advance to Colo. Lott, or his order, for the purpose of purchasing and transporting salt to this State, any sum or sums of money, in the whole not exceeding thirteen thousand pounds.

Resolved, That Major Tappen be added to the committee of correspondence appointed by the late Convention, in the stead of Colonel Allison.

Resolved, That Major Tappen be directed to pay all express riders employed by this Council, or the committee of correspondence; and that he be empowered to draw out of the treasury of this State such sum or sums of money as he may require for that purpose.

Resolved, That the sheriffs of the several counties in this State do cleanse and repair the jails in such counties respectively, and make proper enclosures to the same, at the public expense.

A letter from Mr. John Henry, commissary of clothing, dated the thirtieth instant, on the subject of blankets and stockings, was read, and is in the words following, to wit:

"*Fishkill*, 13*th May*, 1777.

"DR SIR—I am now again under the necessity to trouble you about that two thousand dollars, which Mr. Roosevelt was to have advanced me, by order of the House; at present am in advance, which money am obliged to my friends in this place for. Therefore would consider it as an act of kindness to pay some attention in supplying me with such sums as the nature of the business, in which I at present act in, requires. I expect a parcel of shoes, stockings, &c. from the Bay government, in a few days, which articles I contracted for about 5 weeks ago; should they come to hand agreeable to my contract, unless your Honourable House think proper to speedily send me a supply of cash, must let them go.

"The several following accounts will, I suppose, be presented to your House for payment in the course of some days, which are as follows:

"Robt. Boyd for 108 blankets and 199 pair stockings; Elihu Marvin 35 blankets, and 83 pair second hand; John Coe, Esqr. 55 blankets and 100 pair second hand, and yet remained without any regular bill of the above accounts, have which renders it impracticable for me to comply with the resolves of the 10th ulto. until furnished with regular accounts from the different chairmen in their respective districts, of the above articles, particularly the blankets and coverlets.

"The canteens which Mr. Curtenius has forwarded to this place, with prime costs and charges, will cost the soldiers 5*s*. 1*d*. so as to save the State from loss; they come extremely high; however I shall abide by the resolve of the 11th ulto. until further orders. As the business which I now transact for this State in the clothing department was derived under the present Convention, would be extremely obliged to your Honourable House to inform me under what authority I am to act should a dissolution of the same take place, which I understand will be the case in a few days; therefore you will not take it amiss that I should ask such request, as any suspension of my business would undoubtedly be very detrimental to me under the present circumstances. My family is to be supported in the Jerseys, while I am here acting for the public. The expense of supporting and defraying the former and the latter at the very extravagant rate (every thing which contributes to the essential comforts of life) are to be purchased at, would be impracticable for any honest man to perform; and as it is well known to a number of the gentlemen in your House that I have sacrificed my every thing for the public good of this country, would flatter myself that my friends will not leave me destitute of some genteel means of supporting myself and family.

"I am, worthy sir,

"Your most obedt. hble. servt.

"JOHN HENRY.

"Col. TEN BROECK, Esqr. President."

Ordered, That the Treasurer supply him with the ac

count of blankets and stockings, and by whom furnished and the price.

A recommendation from the sub-committee at Haverstraw, signed by Claus Van Houten, their chairman, was read, and follows in the words, to wit:

"To the Honourable the Convention
"of the State of New-York, &c. &c. &c.

"The committee of the precinct of Haverstraw finding that it is necessary to have some new officers in the militia of Colo. Hay's regiment, humbly requests that commissions may be sent for the following persons, vizt: Lieut. Garret Eckerson to be captn.; Lieut. Roger Osborn, first lieut.; Paul Vander Voorst, second lieut.; Benjamin Coe, ensign.

"The reason for having a new corps of officers in this company are, that Captn. Rinear Quackenbus, who had the command of the company, is by sickness become infirm and unable to serve, therefore is desirous of resigning, and his rank falls to said Eckerson. Lieut. Jacob Tenike begs it as a favour to be permitted to resign his commission, and offers to fall into the ranks and do his duty as a faithful soldier to his country; pleads ignorance of military discipline. These are the true reasons given to us.

"The first mentioned persons we know to be trusty and true to the United States.

"CLAUS VAN HOUTEN,
"*Chairman of the Sub-Committee.*"

Resolved and Ordered, That commissions issue to the said gentlemen, to wit: To Garret Eckerson, as captain; to Roger Osborn, first lieutenant; to Paul Vandervoort, second lieutenant, and Benjamin Coe, ensign, of the company in Colo. Hay's regiment, whereof Rynier Quackenboss was late captain.

Adam Kilmer and Peter Butler of the manor of Livingston, who have been deluded and have returned to their allegiance, applied to Convention for the benefit of the ordinance passed by the Convention on the tenth instant. They took the oath of allegiance before Major Tappen, and severally subscribed the same on a roll in his presence, as also a certificate acknowledging that they have severally received and claimed the benefit of the said ordinance, and taken the oath of allegiance to this State, and received their pardons respectively.

Major Tappen, from the committee appointed yesterday to examine the pay and billeting rolls of the detachment of militia who served under Colonel Robt. Van Rensselaer, reported that they examined the same, and find the following sums due on the said rolls respectively, to wit:

"On the pay and billeting roll of Captain Casparus Conine, the sum of twenty-four pounds ten shillings.

"On the like roll of Captain Casper Huyck, the sum of thirteen pounds nine shillings and eleven pence one farthing.

"On the like roll of Capt. Jacob Philip, the sum of thirty-five pounds sixteen shillings and two pence.

"On the like roll of Captain Jeremy Muller, the sum of sixteen pounds three shillings and eleven pence.

"On the like roll of Captain Bortle, the sum of sixteen pounds fifteen shillings and ten pence.

"On the pay-roll of the field officers of the said detachment, the sum of twenty-five pounds seventeen shillings and ten pence half-penny." Thereupon,

Ordered, That the Treasurer of this State pay unto Colo. Robt. Van Rensselaer, the said several and respective sums, amounting in the whole to one hundred and thirty-two pounds thirteen shillings and eight pence three farthings, to be by the said Colo. Van Rensselaer paid to the said detachment of militia as aforesaid.

A petition of William McGinnes and John Van Vleet and ten other persons under sentence of death, praying to be forgiven, was read.

Ordered, That it lie on the table.

A petition of Solomon Combs and ten others, prisoners at Kingston, praying a discharge, was read.

Ordered, That it lie on the table.

A draft of a *dedimus potestatem* to administer oaths to the several officers of government, was read, and follows, vizt:

"*The Council of Safety of the State of New-York, send greeting: To*

"WHEREAS the Convention of the State of New-York, by an ordinance for organizing and establishing the government agreed to by the said Convention, made and published at Kingston, on the eighth day of May, in the year of our Lord one thousand seven hundred and seventy-seven, did resolve, that each and every of the persons in and by the said ordinance appointed to be officers in this State, should, before the said Council of Safety, or such person as should be by them appointed, take and subscribe the oaths in and by the said ordinance prescribed to be administered to the said officers respectively. The said Council do, therefore, by these presents, authorize and empower you the said and each and every of you, jointly or severally, to administer to the judges, sheriffs and clerk, by the said ordinance appointed for the county of and cause them to subscribe the oaths directed by the said ordinance to be by them respectively taken and subscribed: and that you and each and every of you do, without delay, make known to the said council, the manner in which you and each of you shall have executed the trust and authority hereby committed to you.

"In witness whereof, Pierre Van Cortlandt, Esquire, President of the said Council, hath hereunto subscribed his name in the said Council, the fifteenth day of May, 1777."

Resolved and Ordered, That the Secretaries prepare, and the President subscribe, and one of the Secretaries countersign or attest a *dedimus potestatem* to the following gentlemen in each county to qualify the respective officers in each county, vizt:

In Albany—John Barclay, Abraham Cuyler, Harmanus I. Wendell.

In Tryon County—Isaac Paris, William Harper.

In Charlotte County—Alexander Webster, Alexander Campbell.

In Cumberland County—John Sessions and John Stevens.

In Gloucester County—Brigr. Genl. Jacob Bayley.

In Ulster County—Samuel Brewster and Christopher Tappen.

In Orange County—Henry Wisner and Thos. Moffat.

Dutchess County—Harman Hoffman and John Schenk.

Westchester County—Abraham Purdy, Ebenezer Lockwood and Colo. Thos. Thomas.

DIE JOVIS, 4*ho. P. M. May* 15, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *President.*

Genl. Scott, Colo. De Witt, Mr. Jay, Mr. Van Zandt, Major Tappen, Mr. Cantine, Mr. Morris.

For want of another member (Mr. Robert Harper being sick,) adjourned till 9 o'clock to-morrow morning.

DIE VENERIS, 10 HO. A. M.

May 15, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *President.*

Mr. Morris, Mr. Harper, Genl. Scott, Mr. Cantine, Major Van Zandt Mr. Jay, Major Tappen, Colo. De Witt.

Genl. Scott from the committee of the late Convention appointed to direct the conveying of Major Edmeston, a prisoner of war to Philadelphia, delivered in the parole of the said major, which was read and filed.

The General, likewise, produced a receipt of Capt. Theodorus Brett, (oppointed to conduct the said major to Philadelphia,) for forty-five dollars by him advanced to Capt Brett, towards defraying the expenses of his journey.

Ordered, That the Treasurer of this State, pay to Genl. Scott, the sum of forty-five dollars for so much by him advanced to pay Capt. Theodorus Brett, who is appointed to conduct Major Edmeston to Philadelphia, and that the Treasurer charge Capt. Brett with the same.

Ordered, That Captains Bogardus Belknap and Schoonmaker, and their subalterns do, without delay, make returns to this Council, the progress they have made in recruiting their companies.

Letter from the Honourable William Duer, Esqr. dated Philadelphia, May 6th, on the subject of the Westchester accounts for teamsters, foraging, &c. was read, and is in the words following:

"*Philadelphia, May 6th*, 1777.

"SIR—I have received your two favours of the 23d and 25th April, the first relative to the accounts of teamsters, &c. in Westchester county, and the other in answer to mine of the April.

"I should have immediately sent off all the accounts in my possession by an express, but as Genl. Schuyler then thought of returning in two or three days, with the advice of my colleagues, I thought best to defer it, it being judged a much safer opportunity. Several letters have of late been opened on the road, and persons seized by the disaffected; should these accounts have met with such a fate, the public must have suffered extremely. I am extremely sorry that the unavoidable delay of Genl. Schuyler has occasioned the detention of these papers, but should he not be able to leave this place in three days from this time, which he now expects, I shall convey them in the safest manner possible.

"The present opportunity not being considered by Mr. Duane and Mr. Livingston, as altogether safe, I think it is not advisable to write on any matters of importance.

"I shall content myself with observing that we have surveyed our ground, and that we have no doubt but we shall make a successful attack on the points recommended to us. The papers which I enclose you, will give you an insight into the news stirring here. The accounts of the arrival of the ship loaded with 52 field pieces and other ordnance, &c. may be depended upon. Her name is the Amphitrite, a 20 gun ship, chartered in France by Mr. Silas Deane, Mr. Livingston and Mr. Duane, both of whom are now busily engaged, desire me to present their respects to the Honourable Convention.

"I am, sir, with great respect,
"Your obedt. hble. servt.
"WM. DUER.

"To the Honble. PIERRE VAN CORTLANDT, Esqr."

A letter from Henry Schenk, Esqr. dated the 11th instant, was read, and thereupon the Council came to the following resolution:

WHEREAS it has been represented to this Council that considerable quantities of salted beef and pork are secreted in the county of Dutchess, by persons unfriendly to the liberties of America;

Resolved, That the commissioners appointed in the said county to take into possession and dispose of the personal property of persons gone over to the enemy, be directed and empowered to seize and take into their custody all such salted beef and pork as may be found to have been so secreted, giving to the proprietors thereof a receipt for the same on behalf of this State; and further, that they do from time to time, report to this Council or the Governor of this State, the beef and pork which they may so discover and seize, together with the value thereof.

A letter from Elihu Marvin, chairman of Orange county committee, setting forth the hardships of the families of those of the militia who are drafted, and recommending the giving them a bounty was read, and

Ordered To lie on the table.

A letter from William Young, chairman of the committee of Hanover precinct in Ulster county, enclosing the depositions against Hugh Dougherty, sent to the jail in this place, for abusing the Convention of this State, charging them with publishing lies, were read and filed.

The said Hugh Dougherty being called up was examined and severely reprimanded, and thereupon the Council came to the following order, to wit:

WHEREAS Hugh Dougherty hath been apprehended by the committee of Hanover precinct, for being inimical to the American cause, and is now confined in the jail at Kingston:

Resolved, That the said Hugh Dougherty be discharged upon paying the jailer's fees, &c. and that the committee aforesaid, be requested to take security from the said Hugh Dougherty for his good behaviour.

The Council of Safety took into consideration the pay and subsistence rolls of the Tryon county rangers, which were referred over to the Council by the late Convention, which are as follows, to wit:

The subsistence roll of Capt. Winn's company for the month of February, amounting to £131 10*s*. 3*d*.

The pay roll of the said company for the month of February, £203 13*s*. 2*d*.

The subsistence roll of the said company for March, £123 0*s*. 11*d*.

The pay roll of the said company for the same month, £197 7*s*. 8*d*.

The pay roll of Capt. Kitman's company for the month of March, £197 13*s*. 4½*d*.

The subsistence roll of the said company, £121 18*s*. 3¾*d*.

Thereupon,

Resolved, That the sum of eight hundred pounds be sent to Tryon county, to the captains of the said companies towards paying off the said pay and subsistence rolls. And

Ordered, That the Treasurer of this State advance to the Captains Winn and Kitman the sum of eight hundred pounds on the account of the pay and subsistence of their respective companies of Tryon county rangers, and that the said sum be transmitted to the said captains by Benjamin Newkirk, a member of the late Convention for the said county.

The late Convention having by a resolution on the twenty-eighth day of February last, appointed the Reverend Doctor Rogers their chaplain, and he being now in town in pursuance of the said appointment:

Ordered, That the Secretary wait on the Revd. Doctor Rogers and request his attendance every morning, for the purpose of opening the deliberations of this Council with solemn prayer.

DIE SABBATI, 10 HO. A. M.

May 17, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Mr. Morris, Mr. Cantine, Mr. Jay, Colo. De Witt, Mr. Harper Major Van Zandt, Major Tappen.

For want of another member, adjourned at 12 o'clock, to meet on Monday morning.

DIE LUNÆ, 10 HO. A. M.

May 19, 1777.

The Council of Safety met.

PRESENT—Pierre Van Cortland, Esqr. *President*.

Col. De Witt, Major Tappen, Mr. Robt. Harper, Major Van Zandt, Genl. Scott, Mr. Cantine, Mr. Jay, Mr. Morris.

The petition of Samuel Townsend, a prisoner confined on board of one of the vessels at the strand, for having expressed publicly, sentiments inimical to the cause of

the United States, was read and filed, he therein expresses contrition for his fault, and his readiness to take the oath of allegiance to the State, &c.

Resolved, That the said Samuel Townsend be admitted to take the oath of allegiance to the State, and be discharged.

A petition of John Rapelje, William McGinnes, Silvester Vandemark, Coenrad Wisner, Cornelius Furler and John Van Vleet, dated in Kingston jail, the sixteenth instant, was read. They thereby express their contrition for their offences, praying to be admitted to the benefit of the ordinance of grace of the tenth of May instant, and praying for pardon.

Ordered, To lie on the table.

A short letter from Ananias Cooper, dated in May instant, relative to David Baker and Coenradt Beams, now confined on board of the vessels at the strand, was read.

Ordered To lie on the table.

Ordered, That the sheriff have lists made of all the prisoners on board of the vessels at the strand, with notes of the places from whence they came. And that the sheriff direct that Samuel Davis, Jacob Lonyaar and Samuel Townsend be brought before this Committee.

James Robinson was brought before the House and examined; his examination is as follows, to wit:

"*Ulster County, ss.*—James Robinson examined, says, that James Smith, who was in jail charged with horse stealing, was the person who sawed a bolt through in the jail; that he informed the deponent, that he, the said Smith, was charged with letters to the northward; that he had buried the said letters and some money four miles from the Widow Cole's, near the house of the sister of Capt. Hardenburgh, at a tree which stands between two brooks; that he heard in the jail, that the enemy would be up this way this month; that Roosa also mentioned the same; and said the regulars had got all their guns and flat bottomed boats on their carriages; and that an army would be up this way; that they only waited for the northern army to strike a stroke, and then they are to strike a stroke below; that a negro, who makes irons, made the irons for Savage with a screw; that Savage called the negro, gave him a dram and agreed to pay him for that service; that the negro returned the irons through the window, fitted to screw; that Savage then paid the negro and gave him another dram; that Giles was entirely innocent, and knew nothing of this matter; that Roosa did not expect to be executed; that he heard that Roosa had been twice to New-York, and the first time took down with him 22 or 23 men, and the next time 30 men; that Smith told him, that between the house and kitchen at Capt. Hardenbergh's sister's, there is an opening, through which is seen a tree between two brooks, at the foot of which is buried a packet of letters, four half johannes and thirty-five dollars; that Smith requested him, if he got out of jail, to take up the money and letters, and destroy the letters; that Smith told him he had received the letters at Brunswick."

Die Lunæ, 4 *ho. P. M. May* 19, 1777.

The Council of Safety met pursuant to adjournment.

Present—Pierre Van Cortlandt, Esqr. *President*.

Genl. Scott, Mr. Jay, Colo. De Witt, Mr. Cantine, Major Tappen, Mr. Gilbt. Livingston, Mr. Robt. Harper, Major Van Zandt.

The sherriff attended with and delivered a list of the several prisoners, amounting in the whole to the number of one hundred and seventy-five persons.

Samuel Davis and Jacob Langyaar were severally called in and exhorted; and each of them having taken and subscribed the oath of allegiance, and having also severally sworn to discover all plots or conspiracies which shall come to their knowledge respectively against the said State, were severally discharged.

Samuel Townshend was then also called up and heard and admonished. He took the like oath and made the like engagement; declared his sentiments fully as a friend to his country, and was discharged.

A discharge was given to each of them by the Secretary, by order of the Council of Safety.

The sheriff informed the Council of Safety that Jonathan Thorn, Cornelius Luyster and one Edward Henderson, a mariner, who was taken a prisoner at Peekskill, had behaved in such manner, that Capt. Castle had desired him to bring them up to the jail; that he has brought them accordingly.

The sheriff further informed the Council, that Edward Henderson desired to be brought before them. The said Edward Henderson says that he is from Northumberland; that he was a pressed man and belonged to the Eagle; left England a year ago; was taken at Peekskill, and is desirous of being permitted to go to work on board one of the Continental frigates.

Ordered, That the consideration of his case be postponed till to-morrow.

Resolved, That the sheriffs of the several counties in this State who are not already qualified for executing their offices, do qualify themselves without delay; and that they and all other sheriffs already qualified do, as soon as possible, respectively give public notice in their respective counties for the elections of Governor and Lieutenant-Governor and members of Assembly, and also for the election of Senators for the respective great districts within this State, to the end that the electors may have the longest possible notice before the election to be had for each district and in each county respectively; and that the said sheriffs respectively proceed to such elections without waiting for any further warrant or authority, so that the returns thereof may be duly made to this Council of Safety at the time and in the manner prescribed by an ordinance of the Convention of this State for organizing and establishing the government agreed to by the said Convention, made and published the eighth day of May instant.

DIE MARTIS, 10 ho. a. m.

May 20, 1777.

The Council of Safety met pursuant to adjournment.

Present—Pierre Van Cortlandt, Esqr. *President*.

Major Tappen, Mr. Robt. Harper, Mr. Gilbt. Livingston, Mr. Cantine, Colo. De Witt, Genl. Scott, Mr. Jay, Mr. Morris.

A memorial of John Cook, of Dutchess county, dated this day, was read. He therein sets forth that he has formerly been sent to New-Hampshire as a disaffected person, and had leave to return on his parol; that he was lately brought before the commissioners at Poughkeepsie, and informed that he was to be confined on board of a vessel at Esopus creek, as a suspected person; but that they have given him leave to appeal to the Council of Safety.

The Council not having sufficient information to determine on the merits of the said memorial,

Resolved, That the said memorial be referred to the said commissioners at Poughkeepsie, and that they determine thereupon and dispose of the said John Cook in such manner as justice, and a due regard to the safety of this State, shall in their opinion require.

A letter from Genl. McDougall, dated at Peekskill on the 18th instant, was read, and follows in the words to wit:

"*Head-Quarters, Peekskill, May* 18, 1777.

"Sir—Mr. Thomas Marston has come here with a flag, to solicit your liberty to carry down his wife's clothes, and other small articles belonging to his family. Although I would not presume to dictate in matters of property, yet I think those articles are of no moment to the important question in dispute, and therefore wish he may be gratified if it should not interfere with any important considerations you may have in view. He has leave to go up to know

your determination on this matter, and to pass in quest of them so far as you think proper to permit him.

"I have the honor to be

"Your very humble servant,

"ALEXR. McDOUGALL.

"To the President of the Council of Safety
"of the State of New-York."

Ordered, That it lie on the table until Thomas Marston shall apply to the Council.

The Council intending to resume the consideration of the case of Colonel De Witt, a member of Convention, having been taken into custody by a guard under the directions of an officer of Colonel Snyder's regiment,

Ordered, That Mr. John Addison do attend this Council at four o'clock to be examined

The memorial of Thomas Marston, requesting permission and an order to convey three trunks with apparel and effects to the city of New-York, was read. After some time spent thereon,

Ordered, That the further consideration thereof be postponed till the afternoon.

A letter from John Henry, dated at Fishkill the 18th instant, was also read, and follows in the words to wit:

"*Fishkill, 18th May*, 1777.

"HONOURED SIR—As I have always acknowledged myself a member of this State, and have equally been a sufferer with many of my brethren, would gladly embrace the present opportunity of procuring some of my movable effects from the city of New-York, together with my negro wench; I having no other means of obtaining the same but by an humble application to the authority of this State. There is now a fair chance for me, as Mr. Marston is come out of town with a view of carrying his movable effects into the city. Would be under much obligation to your Honourable House to consider me in a part of the exchange of property with the said Mr. Marston, viz: my furniture and wench is the whole of what I can at present expect to get; therefore, as I am destitute of any of those articles to keep house with, hope to be able to obtain them through the present channel. In haste, but would be glad you would order down to the store in this place, as many buckskin breeches as may be in store at Kingston.

"I am, sir, with proper respects,

"Your most obdt. servt.

"JOHN HENRY.

"To the Honourable the President of the
"New-York State Convention."

DIE MARTIS, 4 *ho. P. M. May* 20, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Genl. Scott, Mr. Cantine, Mr. Gilbt. Livingston, Colo. De Witt, Major Tappen, Mr. Robt. Harper.

No other members attending, adjourned till to-morrow morning for want of a quorum.

DIE MERCURII, 9 HO. A. M.

May 21, 1777.

The Council of Safety met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Mr. R. R. Livingston, Mr. Gilbt. Livingston, Mr. Robt. Harper, Mr. Van Zandt, Major Tappen, Mr. Jay, Mr. Cantine, Mr. Morris.

Mr. Jay delivered in a recommendation of sundry officers in three companies of militia in Rumbout's precinct which was read, and follows in the words, to wit:

"Officers chosen in the company lately commanded by Capt. William Fowler, viz: Matthew V. Benschouten, capt.; Daniel Outwater, 1st lieut.; Abm. V. Wyck, 2d lieut.; Abm. Hoogland, ensign.

"Officers chosen in the company lately commanded by Capt. Isaac Hageman, vizt: Jno. V. Benschoten, capt.; Robt. Todd, 1st lieut.; Barent P. V. Kleeck, 2d lieut.; Tunis Van Benschoten, Junr. ensign.

"Officers chosen in the company lately commanded by Capt. Stephen Brinkerhoff: George Brinkerhoff, capt.; Stephen Osburn, 1st lieut.; Benj. Rosenkrans, 2d lieut.; Jacobus S. Swartwout, ensign.

"The committee of Rumbout requests that the Convention would grant commissions for the above officers, and send them by the return of Mr. Fred. Jay.

"*Rumbout, May* 17, 1777."

Ordered, That the commissions issue.

A letter from General Greene, directed to Messrs. Tudor and Lawrence, or either of them, agents for building the Continental ships at Kingston, per express, was brought into the Council of Safety, and read, and is in the words and figures following, vizt:

"*New-Windsor, May* 17*th*, 1777.

"GENTLEMEN—His Excellency General Washington having appointed Genl. Knox to come and take a view of the forts, fortifications and obstructions in the North river, and to consult with the general officers commanding at these posts, whether the state of the works and obstructions are sufficiently executed to prevent the British fleet from penetrating; in Council it hath been determined unanimously, that notwithstanding the forts are formidable and the obstructions in the river exceeding difficult (if not impossible) for any ship to pass, yet the navigation of this river is thought to be an object of such great magnitude that, to render the navigation still more secure, it is the opinion of all the general officers, that the two Continental frigates and row gallies will be necessary to aid the forts, and cover the obstructions. You will please, therefore, to give all the assistance in your power to get the ships completed as soon as possible. If the guns and men can not be had through the proper channel seasonably, they will be provided some other way; therefore let that be no hindrance or delay to executing the other work as soon as may be. The Council of Safety of this State will doubtless render you every assistance in their power, to accomplish a work wherein they are so deeply interested.

"I am, gentlemen, with great respect,

"Your obed. servt.

"NATHANIEL GREENE.

"To Messrs. LAWRENCE and TUDOR."

A letter from Genl. Greene, directed to Capt. Hodge, on the same subject, was read, and is as follows, to wit:

"*New-Windsor, May* 17*th*, 1777.

"SIR—His Excellency Genl. Washington having directed me to take a view of the forts and fortifications on the North river, together with the obstructions across it, and to give orders for such further aids as may be necessary to effectually stop the British fleet from coming up the river, it has been determined in Council, the Continental frigates and the row gallies will be necessary to secure the river. You will please, immediately on the receipt of this, to apply to General George Clinton, who will acquaint you with the measures taking to man and equip the ships. I hope the agents appointed by the Congress to build the ships will give all the aid in their power to get the ships completed as soon as possible.

"I am, sir,

"Your most obedt. humble servt.

"NATHL. GREENE.

"To Capt. HODGE."

The Council of Safety thereupon came to the following determination, to wit:

"WHEREAS by a letter from Major-Genl. Greene, to Messrs. Lawrence and Tudor, or either of them, agents for building the Continental ships, of the 17th May instant, and also by a letter from Major-General Greene, to Capt. Hodge of the same date, it appears to this Council (among other things) that His Excellency General Washington had appointed Major-General Greene and General Knox to take a view of the forts, fortifications and obstructions in the North river, together with the obstructions across it, and to give orders for such further aids as may be necessary to

effectually stop the British fleet from coming up the river; and further that it had been determined in Council, and was the opinion of all the general officers that the two Continental frigates and row gallies will be necessary to aid the forts and cover obstructions; and that Major-General Greene, in his said letter to Captain Hodge, did require him to apply to General George Clinton, who would acquaint him with the measures taken to man and equip the said ships: And whereas the marine committee of the General Congress have, by certain resolutions, committed the care of the said frigates to the Convention of this State; and the said agents and captain have requested the advice and direction of this Council in the premises:

Resolved, That the said agents and captain ought in the opinion of this Council to obey such orders as they may from time to time receive from His Excellency General Washington, or other general officers acting under his authority, respecting the equipping and stationing the said frigates for the defence of the said river.

A petition of Jacob Schurman, Bloomer Neilson, Joseph Turner, Samuel Hains, Stephen Jones, Samuel Herring and Edward Henderson, dated the twentieth instant, was read. They thereby set forth that they are in want of provisions for a few days past.

Ordered, That the sheriff of Ulster be desired to direct them to be provided with such provisions as are necessary for their support.

A very short petition of Elnathan Foster, John Flewelling and eight others was read. They thereby engage their future good behaviour, and pray to be discharged.

Ordered, To lie on the table.

A short petition of Elnathan Foster, to the same purport, and setting forth his ill state of health, was read.

Ordered, To be committed to Major Tappen, that he examine the said Foster, and report thereon.

The Council of Safety were informed of sundry particulars relative to one Quimby, lately with the enemy, and who being taken by Major Dubois, is coming to this place with a certificate to claim the benefit of the resolutions of Convention of the tenth day of May instant.

Ordered, That the Secretary take the deposition of Silas Purdy, relative to the said Quimby and his conduct, and lay the same before this Council.

The Council being informed that Wilhelmus Merkell, Jacob Furler and Christian Winne, who are in custody, may safely, on taking the oath of allegiance, be discharged.

Ordered, That the said Wilhelmus Merkell, Jacob Furler and Christian Winne be directed to be brought up from the vessels at Esopus Landing; and that on their taking the said oath of allegiance respectively they be discharged.

This Council being informed by Mr. Cantine, one of the members, and also by the sheriff of Ulster county, that the following persons under sentence of death, vizt: Thomas Crispell, late of Marbletown, James Merkell, Jacob Longyaar, Junr. Andries Langyaar and Jacob Davis, are truly penitent for their past conduct, and if pardoned would probably behave as good subjects.

Resolved and Ordered, That the Secretaries prepare, and the President of this Council issue a pardon to each of them respectively.

The memorial of Thomas Marston, which was read yesterday, praying leave to remove three trunks with apparel and valuable effects to the city of New-York, was again read and taken into consideration.

After some time spent thereon, certain resolutions relative to the exchange of property with persons now with the enemy, were proposed and read.

Debates arose thereon. Thereupon a preamble to the said resolutions was proposed and read, and being read a second time, Mr. Jay moved, and was seconded, that the resolutions and preamble be postponed and committed to Mr. Jay and Mr. Morris, to report the same to-morrow morning.

Debates arose thereon, and the question being put, it was carried in the negative, in the manner following, vizt:

For the affirmative.	*For the negative.*
Mr. Jay,	Mr. R. R. Livingston,
Major Tappen,	Mr. Gibt. Livingston,
Major Ten Broeck.	Mr. Cantine,
	Colo. De Witt,
	Mr. Harper,
	Mr. Morris.

Therefore the said motion was rejected.

The said resolutions and preamble being again read and amended, were agreed to, and follows, vizt:

Whereas the late Convention of this State being desirous, as far as in them lie, to alleviate the calamities of war, and expecting that examples of humanity would have been imitated by the generals and commanders of the British fleets and armies, did permit divers persons in the city of New-York, to remove their property from parts not in possession of the enemy into the said city: And whereas complaints have been made by the subjects of this State that they have not been permitted to remove their property from places in possession of the enemy. Therefore,

Resolved, That it would be imprudent to permit any property whatever to be transported from those parts of this State, not in possession of the enemy, to New-York, or any other place now in their possession until a mutual exchange shall be agreed on, and that General McDougall be requested to negotiate such exchange under the following restrictions, that is to say: that the persons now with the enemy, and who were respectively at any place by them possessed at the time when they did so become possessed, shall be permitted to remove their personal property upon conditions that those persons subjects of this State, who have personal property in possession of the enemy, be in like manner permitted to remove the same, excepting always horses, cattle, provisions, ammunition and implements of war.

Thereupon a draft of a letter to General McDougall relative to an exchange of property and persons coming from the enemy, was read, agreed to, and follows, vizt:

"Sir—The Council of Safety having considered Mr. Marston's request, think they cannot with propriety grant it, while the property of the subjects of this State is detained by the enemy. They have, therefore, passed a resolution, a copy of which is enclosed, in order to procure a mutual exchange of property. The Council conceive that the persons coming from the enemy and travelling to this place without a guard, must have many opportunities of gaining the most important intelligence, and of spreading the spirit of disaffection. They therefore request that all flags which shall hereafter be sent from the enemy, be stopped at Peekskill, and their requests transmitted to this place.

"I am, with great respect,
"Your most obedient humble servant.

"To Brigr. Genl. McDougall."

Ordered, That a copy thereof be engrossed, and signed by the President, and transmitted by Mr. Marston to Brigadier-General McDougall, or the commanding officer at Peekskill; that a copy of the said resolution be also delivered to Mr. Marston; that the said Thomas Marston be sworn before the President on the Holy Evangelists of Almighty God, that he will not convey any intelligence, directly or indirectly, to any person or persons whomsoever, which may prejudice any or either of the United States of America, or any of the subjects thereof.

The said Thomas Marston was then sworn accordingly.

Mr. Robt. R. Livingston moved and was seconded, that Colo. Van Rensselaer, Harman Hoffman, Esqr. and Major Ten Broeck, be requested to attend this Council on Monday next.

Debates arose thereon, and the question being put, was carried in the affirmative, in the manner following, vizt:

For the affirmative.	*For the negative.*
R. R. Livingston,	Mr. Jay,
Mr. Cantine,	Mr. Morris,
Mr. Van Zandt,	Mr. Tappen,
Mr. Harper,	Mr. Gilbt. Livingston.
Colo. De Witt.	

On motion made by Colo. De Witt, and seconded by Major Van Zandt,

Ordered, That Mr. R. R. Livingston prepare and report a draft of a letter to Colo. Van Rensselaer, Harman Hoffman, Esqr. and Major Ten Broeck, requesting their attendance on Monday next, and assigning for reason, that this Council requests information relative to the disaffected now confined at Esopus Landing.

DIE JOVIS, 10 HO. A. M.

May 22, 1777.

The Council of Safety met pursuant to adjournment.

PRESENT—Colo. Van Cortlandt, *President*.

Colo. De Witt, Mr. Cantine, Mr. Morris, Major Van Zandt, Mr. Jay, Mr. Gilbt. Livingston, Mr. Robt. Harper, Mr. Robt. R. Livingston.

A certificate from Richard Esselstyne, one of the persons employed to procure a number of spears to put into the hands of such of the militia of this State as were unprovided with arms, certifying that he has received from Elisha Talmage one hundred and fifty spears, at the price of 4*s*. 6*d*. per spear.

Ordered, That the Treasurer of this State pay unto Elisha Talmage the sum of thirty-three pounds fifteen shillings, for one hundred and fifty spears by him made and delivered to Richard Esselstyne, for the use of this State.

Ordered, That Major Tappen and Gilbert Livingston be a committee to inquire of Captain Bogardus relative to the state of his company.

Ordered, That Major Tappen and Mr. Harper be a committee to examine the pay rolls of the companies of militia commanded by Captains Schoonmaker and Rose, who were ordered to the passes in the Highlands on the west side of Hudson's river, by General George Clinton, last winter.

A petition of Levy Quimby, dated the 21st instant, was read. He therein sets forth, that on the first of March last he left home with three persons, whose names he can not recollect, and went to the city of New-York; that being informed of the act of grace passed by the Convention on the 10th of this instant, he returned and appeared before Major Lewis Du Bois, and took the oath of allegiance to the State, of which he therewith produced a certificate, and he thereby prayed a pardon.

A certificate of Major Du Bois, dated the 19th instant, was read, in the words following, to wit:

"I do hereby certify that the bearer hereof, Levy Quimby, has this day appeared before me and took the oath of allegiance to the State of New-York, agreeably to a resolve of the Honourable Convention of the State of New-York, passed the 10th day of this inst. as witness my hand, day and date above.

"LEWIS DUBOIS, *Major*."

The said Levy Quimby was brought before the Council of Safety and examined, and his examination follows, viz:

"Levy Quimby being examined, says that he left New-York on last Wednesday week; that he came up through Westchester and crossed Croton; that there are about 800 men at the Bridge and Fort Washington; that there are about 5,000 on New-York island, Long island and Staten island; that he went to New-York about the first of March with some others, he does not know how many; was only two days in New-York; that most part of the people who go down to New-York, go over to Long island; that there are but few troops in the city, a very few Hessians; that the Hessians die frequently with camp distempers: fresh provisions are very scarce; that he saw very lean [meat] in the Fly market; was told it was two shillings per pound; that he saw people who returned from the Danbury expedition; that he understood they lost a number of men and fourteen officers; that most of the soldiers about the Bridge are Hessians; that he heard there were about 9,000 men in Jersey; that he did not hear of any troops arrived at New-York from Canada; that he heard of some boats which had been built at New-York to put under bridges; that he worked at Valentine's for his victuals; that he met with Van Kleeck, who wanted to return home, and they agreed to return together; that Van Kleeck and himself came together to the Fishkill; that he lodged one night at a house below Croton river, and the next night in the hither part of the mountains; that he does not know the person he went off with as a pilot from Ramepough; that Jacob and Isaac Cropsie went off with him, and that he cannot recollect the names of the other two persons; that it is near three months since he left the city; that on the morning after he arrived in New-York, he took the oath of allegiance to the King of Great Britain, before the mayor of the city; that he was obliged to take the oath of allegiance, or go to jail; that he has seen two or three companies in the city, called the York companies; that there are rangers about the Bridge, called Rogers' rangers, dressed in green coats, white waistcoats and breeches; that they are 4 or 500 in number; that four persons went off with him; that five other persons joined them afterwards; that they all belonged to Capt. Saml. Clarke's company; that he told Van Kleeck of the act of grace, at King's Bridge."

Ordered, That the said Levy Quimby, be committed to the custody of the sheriff of Ulster county, until Simeon Van Kleeck from Poughkeepsie attend this Council, to be examined, and that the commissioners at Poughkeepsie do direct the said Simeon Van Kleeck to attend this Council without delay, to be examined as a witness.

The Honble. Robt. R. Livingston, chancellor, and the Honble. John Jay, chief justice of this State, took and subscribed the oath of allegiance to this State, as also the oath for the faithful execution of their respective offices, which said oaths were administered to them by the President.

Mr. Jay reported the draft of a letter to Genl. George Clinton, on the subject of his letter to Convention, relative to his resignation of his commission as brigadier-general of the militia of Ulster and Orange counties, which was read and agreed to, and follows, to wit:

"SIR—The Convention shortly before their dissolution took into consideration your letter of the ninth of May instant, it was with regret that they were informed of your desire to resign your command of the militia, and though disposed to adopt every measure agreeable to you, they could not prevail upon themselves at this critical juncture to accept your resignation. By an order, of which the enclosed is a copy, they directed this council to inform you of the reasons which influenced them in that determination; among others, that the high sense they entertained of your abilities to serve your country in this important hour; the confidence reposed in your zeal and abilities by the militia in general. The Convention just arrived at the time of its dissolution, their being undetermined as to the person proper to succeed you in that command, all conspired in inducing them to request that your resignation may be postponed for the present. It will not be long before the government will be organized and the Legislature meet, and there is great reason to believe you will then be relieved from a burden which your necessary and daily attention to the business of your other department has rendered inconvenient; in the mean time, sir, the council request that you will continue as heretofore, to consider the militia of Orange, Ulster, Dutchess and Westchester, as under your immediate command. "I am, sir, &c.

"By order.

"Brigadier-Genl. GEORGE CLINTON."

Ordered, That a copy thereof be engrossed, and signed by the President, and transmitted.

Mr. Robt. R. Livingston, according to order of the House of yesterday, reported a draft of a letter to Colo. Van Rensselaer, Harmanus Hoffman, Esquire, and Major Ten Broeck, which was read and agreed to, and is in the words following, to wit:

"GENTLEMEN—The Council of Safety being unacquainted with the characters of many of the criminals now confined at this place who are inhabitants of the manor of Livingston, Claverack and Rhinebeck, and being willing to discriminate between such as have ignorantly been led into crimes, and such as are more hardened in guilt, have directed me to request your attendance at Kingston on Monday next, in order to afford them your assistance in distinguishing between those who are proper objects of mercy, and those whom the safety of the country renders it necessary to detain or punish.

"I am, gentlemen,

"Your most obedt. humble servant,

"By order.

"To Colo. VAN RENSSELAER, HARMAN HOFFMAN, Esqr. and Major TEN BROECK."

Ordered, That a copy thereof be engrossed, signed by the President, and transmitted to the said gentlemen.

4 *ho. P. M. May* 22, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Mr. Jay, Mr. Harper, Mr. Cantine, Colo. De Witt, Major Tappen, Mr. Gilbt. Livingston, Mr. Robt. R. Livingston, Major Van Zandt.

A letter from Samuel Drake, one of the commissioners for sequestration, in Westchester county, relative to a sloop of Francis Piemort, who has joined the enemy, which said sloop is sent to the Landing at Esopus creek to wait the further order of the Council as to the future disposition of her, was read and referred to Mr. Gilbert Livingston and Major Van Zandt.

The petition of Philander Forbes, mother to Gilbert Forbes, who was apprehended in the city of New-York, in June last, by order of the Provincial Congress, then sitting, on a charge of being guilty of certain acts inimical to the liberties of his country, and dated the nineteenth instant, was read. She therein sets forth that he is confined in an unhealthy room, and prays for relief.

Ordered, That the said petition lay on the table until to-morrow, for the perusal of the members.

DIE VENERIS, 10 HO. A. M.

May 23, 1777.

The Council met pursuant to adjournment.

PRESENT—Colo. Van Cortlandt, *President*.

Mr. Cantine, Mr. Morris, Mr. G. Livingston, Major Tappen, Colo. De Witt, Mr. Jay, Major Van Zandt, Mr. Harper, Mr. R. R. Livingston.

A letter from Philip Livingston and James Duane, Esqrs. two of the Delegates in Congress, dated at Philadelphia, the sixth instant, was read, and follows to wit:

"*Philada. May 9th*, 1777.

"GENTLEMEN—When we arrived here, it plainly appeared that great pains had been taken to injure the character of Major-General Schuyler.

"No direct charge had been urged against him: a series of sly insinuations—that he was making an enormous fortune at the expense of the public; that he had converted the specie provided by Congress for the Canada service, to his own private purposes; and when he showed his feelings of some unworthy treatment, severe rebukes and animadversions on his expressions and his supposed want of respect to his superiors. Those were weapons, employed so successfully, as in the end produced some resolutions of Congress, paring away his authority to nothing. It took us some time to become acquainted with the new members, and to undeceive those who wished for conviction. We had in the mean time got a committee appointed to inquire into the General's conduct at large. That business went on heavily, and seemed to promise no conclusion; we, therefore, were under the necessity to take a more direct course. The General's account of the specie was, at his request, reëxamined; and after it had been passed by the commissioners at the treasury board, who made a full report in his favour, which was received by Congress and ordered to be published. This report, a printed copy of which is herewith transmitted, had a powerful effect on many of the members, who heard it with the utmost pleasure and frankly acknowledged that they had been deceived.

"The way being thus prepared, the General presented a memorial to Congress, stating such of their resolutions as conveyed censure upon him, justifying himself in every particular. This, after some debate, produced a unanimous resolution of Congress, that the memorial was satisfactory, and that the Congress entertained the same favourable opinion of the General as they entertained before the passing those resolutions.

"A complete and honourable vindication of the General's character and conduct being implied in that resolution, and the infamous charge of embezzling the specie effectually done away by the report from the treasury, we shall give ourselves no trouble about the proposed inquiry, especially as Congress came into the appointment of the committee with the utmost reluctance, almost every member declaring that there was no accuser or charge against the General, and that the inquiry was therefore unnecessary. All impediments being now removed, we shall proceed to take the most speedy measures for reinstating the General in his command.

"In the critical situation of our affairs, his services are loudly called for. We, therefore, conceived that this business ought first to be despatched. It unavoidably occasioned some delay in the other matters committed to our charge, but you may be assured that they shall be attended to with all the zeal and diligence of which we are capable.

"In the mean time we remain, with the utmost regard, honourable gentlemen,

"Your most obedt. humble servants,

"PHIL. LIVINGSTON,

"JAS. DUANE.

"Honol. Convention of the State of New-York."

Resolved and Ordered, That Mr. Jay, Mr. Livingston and Mr. Morris be a committee to prepare and report a draft of a letter to the Delegates of this State at Congress.

The sense of the Council of Safety on sundry matters, preparatory to the draft of the said letter, was given to the said committee.

Ordered, That Mr. Loudon print one other thousand copies of the Declaration passed by the Convention of this State on the tenth day of May instant, commonly called the Act of Grace; and that Mr. Loudon continue the same in his two next newspapers, in a large type in the front page of the paper; and that the Secretary give Mr. Loudon those directions.

WHEREAS the Convention of the State of New-York, on the ninth day of April last, on hearing the report of a committee appointed to inquire into the property of two slaves, and other effects, claimed by Catharine Clopper, the daughter of Cornelius Clopper, did resolve and order that the several matters and things, in the said petition specified, should continue in the possession of the said Catharine Clopper, for her use, and not to be sold or disposed of by her until due proof of property therein by her first made,

AND WHEREAS proof has since been made as to the property of the said two slaves, by the two following affidavits, viz:

"*Ulster County, ss.*—Miss Hamersley, being duly sworn, deposeth and saith, that she has frequently heard Cornelius Clopper, of the city of New-York, merchant, say, that a certain male negro, called Will, and a certain female negro, called Suck, both of them now in possession of Catharine, the daughter of him the said Cornelius, were the property of her the said Catharine, he having given them unto his said daughter; also, that she hath frequently heard other persons of the family declare the same; and further this deponent saith not.

"ANN HAMERSLEY.

"Sworn the twenty-second May, 1777, before me. "GOUVR. MORRIS."

"*Ulster County, ss.*—Catharine Clopper, wife of Cornelius Clopper, of the city of New-York, merchant, being duly sworn deposeth and saith, that the slaves mentioned in the above affidavit are the property of the said Catharine, therein named, having been given unto her by her father; and further saith not.

"CATH. CLOPPER.

"Sworn the twenty-second May, 1377, before me. "GOUVR. MORRIS."

Thereupon,

Resolved, That the said two slaves, vizt: said negro lad, named Will, and the said negro wench, named Sook, and now in the possession of the said Catharine Clopper, are her property, and that she be at liberty to remove and dispose of them at her pleasure, as she may think proper.

The Council of Safety were informed that the jail below is so full of prisoners as they are very uncomfortable, and their health thereby much endangered; that some of them are at present sick, and that the sheriff is under a necessity of taking many of them out into the yard for air.

The Council took into consideration the state of the said jail and prisoners, and made an attempt to class the said prisoners, so as to release some, and remove others of the said prisoners.

After some time spent theroen, Mr. Jay, seconded by Mr. Gilbert Livingston, moved that the further consideration thereof be postponed till the afternoon.

Debates arose thereon, and the question being put thereon was carried in the affirmative, in manner following, vizt:

For the affirmative.	*For the negative.*
Mr. Jay.	Mr. Morris,
Mr. Gilbt. Livingston,	Mr. Harper.
Mr. R. R. Livingston,	
Major Tappen,	
Mr. Cantine,	
Major Van Zandt,	
Colo. De Witt.	

Lieut. Colo. Jonathan Elmendorf and Major Adrian Wynkoop, attending as witnesses in the case of Colo. Snyder, relative to the insult offered to the Convention by the taking Colonel De Witt, one of the members, into custody by a guard of Colonel Snyder's regiment, were admitted, and their examinations taken in the presence of Colonel Snyder and Colonel De Witt, and follow, to wit:

"Adrian Wynkoop, being duly sworn and examined by and before the Council of Safety of the State of New-York, deposeth and saith, that he was present at a council of the field officers of Ulster and Orange, at the house of the Widow Hall's, at Little Britain, in Ulster county, on or about the 31st day of March last; that the business of the said council was to consider of and determine on the number of men necessary to be raised from the militia for the defence of the forts and passes in the Highlands, and how they should be raised; that the said council resolved that one-third part of the said militia should be called into service; that the State was invaded, and therefore that the exempts should be included in the said third part of the militia; that the deponent does not remember to have seen the original brigade orders for calling out the said third part of the militia, nor has he seen any copies thereof, except Col. Snyder's; that on his way to Kingston, he, together with Mr. Addison and Lieut. Col. Elmendorf, stopped at one Wood's, where they fell in company with Col. Snyder and Major Hoghleylin; that to the best of this deponent's remembrance Col. Snyder there observed that the brigade orders were incomplete; that he asked the deponent, Lt. Colonel Elmendorf and Major Hogleylin whether the resolutions aforesaid, respecting exempts, ought not to have been inserted, and that they replied that in their opinion they ought; whereupon, Mr. Addison, who recollected the words of the said resolution, inserted the same in Col. Snyder's copy of the said brigade orders.

"A. WYNKOOP."

"Lieut. Col. Jonathan Elmendorf, being sworn and examined by and before the Council of Safety for the State of New-York, deposeth and saith, that the account given by Major Wynkoop in the foregoing deposition of the conference had at Wood's, between this deponent, Col. Snyder, Major Wynkoop and Major Houghleylin, respecting the brigade orders and resolutions there specified, is to the best of his knowledge true.

"And this deponent further saith, that Colonel Snyder, by written orders dated 27th Ap. 1777, did command him among other things, to cause the deficiency of the drafts out of the several companies lately ordered out of the regiments under his command, to reinforce the garrison of Fort Montgomerie, immediately to be sent down to join his regiment at said fort, and that all the officers were to assist this deponent in apprehending the said defaulters; that with the said orders he also received from Col. Snyder a list of the said defaulters, among whom was the name of Charles De Witt; that this deponent thereupon issued orders to Capt. Gerardus Hardenbergh, to apprehend such of the said defaulters as belonged to his company, and gave him a list of the names of such defaulters, among whom was the name of Charles De Witt; that this deponent then knew that the said Chas. De Witt was a member of Convention, and further saith not.

"JONATHAN ELMENDORPH."

"Major Adrian Wynkoop being further examined, saith that one Van Wagenen, a corporal in Capt. Hardenbergh's company, showed this deponent a list of the drafts made from that company, and that the name of Chs. De Wit's negro, Peet, was inserted therein; that some time after this, deponent saw Capt. Hardenbergh, and being of opinion that it was wrong to take negroes on such occasions, he told the said Hardenbergh he had no authority to take Chs. De Wit's, or any other man's negro; to which he replied, he had orders from Col. Snyder. The deponent asked him what the orders were, to which he said that Col. Snyder had told him that Cornelius Cole and Chs. De Wit could each of them give a negro; that the said captain showed this deponent the written orders he had from Col. Snyder, and that the said orders made no mention either of negroes or exempts; and that the said orders were written on the back of a copy of the brigade orders aforesaid. "A. WYNKOOP."

Mr. Abraham Yates came in and took his seat.

The examinations of Lieut. Colonel Elmendorph, and Major Adrian Wynkoop, being finished and read,

Ordered, That all the examinations and papers relative to the case of Col. Snyder be delivered to Mr. Jay and Mr. Morris; that they go therewith this afternoon to General Scott; and that those three gentlemen who are appointed a committee to report thereon, do report to-morrow morning such resolutions as may in their opinion be proper for this Council to adopt relative thereto.

The Council resumed the consideration of the memorial of Philander Forbes. Thereupon,

Resolved, That the said Gilbert Forbes be brought from his present place of confinement to the jail at Kingston, in Ulster county, and that a committee be appointed to carry that measure into execution.

Ordered, That Mr. Yates and Mr. Gilbert Livingston be a committee to direct the execution of the above order.

A letter from the Honble. James Duane, one of the Delegates of this State in Congress, dated at Philadelphia the sixth instant, was read, and follows, to wit:

"*Philad. 6th May*, 1777.

"HONOURABLE GENTLEMEN—

"Nothing of sufficient moment has happened since our last letter, to deserve your attention. The troops from the southward are filing down towards General Washington, though not in such numbers as could be wished. He will, however, be soon at the head of a respectable force, able to meet General Howe, if he does not receive a very considerable accession from Europe, or from the disaffected among ourselves. Much as it might gratify you, there is not a sufficient certainty to justify a conjecture of the General's present strength. When it can be done you shall be advised.

"The accounts from our commissioners, (or if you please, ambassadors,) in France, justify an expectation, that as well that court as Spain will support the Americans in every thing (at least) on this side of a declaration of war. The commissioners have procured very great credit, and for such sums as leave it unquestionable that the court of Versailles is at the bottom their real friend, and privately supports their applications. You may rely upon it, that vast quantities of artillery, arms, ammunition and clothing have been purchased on credit for our use, no inconsiderable part of which is actually arrived; at the same time the French will, in my opinion, be cautious of entering into an actual war, till they find some decisive advantage; when that approaches, all reserve will be laid aside.

"Great Britain is at present in such humiliating circumstances, that she will bear every insult rather than provoke a declaration of war. It was too great a condescension to hear the just complaints of injured Americans! It was treason against her dignity to examine into their own abuse of power; to rectify their own errors! What is the conduct of this haughty nation at this period of her disgrace? From her natural and inveterate enemy, she must bear every thing inflicted upon her, and dares hardly to complain.

"Mr. Livingston and Mr. Duer join me in our most respectful compliments to the members of your Honourable House.

"I remain with the utmost regard, honl. gent.

"Your most obedient humble servant,

"JAS. DUANE.

"Honl. Convention of the State of New-York."

A letter from Isaac Sheldon, Theodorus Van Wyck and Henry Livingston, Junr. commissioners for disposing of the property of persons in Dutchess county gone off to or joined the enemy, was read; they thereby request some addition to their pay.

Ordered, That Mr. Robt. Harper and Mr. Cantine be a committee to take the said letter into consideration, and report thereon.

The Council resumed the consideration of the letter of Simon Cregier, for the reasons therein assigned, praying a permit for Elizabeth, his wife, to pass to the city of New-York, under any obligation of secrecy which the Council may think proper to enjoin, to convey and deliver Richard Murray, a lad, to Doctor Bruce, in the said city. Thereupon,

Resolved, That the said Elizabeth, the wife of the said Simon Cregier, together with the said Richard Murray, be and is hereby permitted to pass to the city of New-York, under such obligations of secrecy, and such restrictions, as General McDougall may please to direct.

The Council having finished an arrangement of the prisoners,

Ordered, That Major Van Zandt, Mr. Gilbert Livingston, and the sheriff of Ulster county, do dispose of such of the said prisoners as are to be put on board of the vessels; that the said committee do direct Captain with his company from Marble Town, to attend at Kingston as a guard, and that the business of discharging such of the prisoners as are to be discharged, be resumed this afternoon.

4 *ho. P. M. May* 23, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Mr. Cantine, Mr. Robt. Livingston, Mr. Abraham Yates, Major Tappen, Colo. De Witt, Mr. Harpur, Major Van Zandt, Mr. Gilbt. Livingston.

The committee to whom were referred the pay rolls and subsistence and mileage rolls of Captain Jacobus Roos, delivered in their report: and thereupon,

Ordered, That the Treasurer of this State pay to Captain Jacobus Roos the sum of one hundred and twenty-seven pounds fourteen shillings and sixpence, for the pay roll; and the further sum of sixteen pounds ten shillings and five pence, for the rations and mileage of his company in Colonel Hasbrouck's regiment of militia, ordered to the pass at Ramapough, by Brigadier-General George Clinton; also the further sum of twenty-eight pounds two shillings and one penny, for the pay roll, and the sum of thirteen pounds four shillings and fourpence farthing, for the rations and mileage of his company of militia, ordered out by General George Clinton on the appearance of the enemy at Peekskill in March last.

Thomas Crispell, James Markell, Jacob Lonyaaer, Junr. Andries Lonyaar and Jacob Davis, who were adjudged guilty of treasonable acts against the State, and sentenced to be hanged by the neck till they should be dead, and who were pardoned by the late Convention, were respectively called up, admonished, and after having their pardons respectively delivered them, were discharged.

A letter from George Measam, commissary of clothing for the northern army, dated Albany, the instant, and requesting a supply of clothing from this State, if it can be spared, was read.

Ordered, That the said letter be referred to Mr. Harper.

Ordered, That Robert R. Livingston, Esqr. have leave of absence, to be absent all next week, to procure proper officers for the court of chancery.

Messrs. Jay and Morris reported as follows:

"That the Honourable Convention of the State of New-York did, on the 25th March, 1777, authorize Brigadier-General George Clinton, at his discretion, to call into actual service, all or any part or proportion of the militia, as well horse as foot, of the counties of Westchester, Dutchess, Ulster and Orange, or either of them, and that he station the said militia in such manner as may be most proper for the securing the posts and passes in the Highlands, and frustrating the attempts of the enemy to make further incursions into this State.

"That the said General, on the thirty-first March last, did convene the field officers of the militia of Ulster and Orange, in order to consult with them on the number of men proper to be drawn from the said militia, for the defence of the posts and passes in the Highlands, and the best means of raising the same.

"That it was resolved by the said officers, that one-third part of the said militia ought to be called into actual service; that the State was invaded, and therefore that the exempts were to be included in the said third part of the militia.

"That the said General did on the same day issue brigade orders for calling into service one-third part of the said militia, agreeably to the advice of the said officers, but that their other resolutions respecting the State being invaded, and including the exempts in the said one-third part of the militia, were not mentioned, recited or enforced in or by the said brigade orders.

"That Colonel Johannes Snyder had a copy of the said

brigade orders, and that he with the concurrence of some field officers of the militia, but without the privity or approbation of the said General, did cause the said resolutions to be added to his copy of the said brigade orders in such manner as to make the whole appear to be the act of the said General, and in that form did publish the said copy as a true copy of the said brigade orders.

"That the said Colonel Snyder did serve a copy of the brigade orders aforesaid with the addition aforesaid, on Gerardus Hardenburgh, a captain in his regiment, with directions to execute the same; and did tell the said captain that Cornelius Cole and Charles De Witt could each of them give a negro.

"That on the seventh day of April last, the said Captain Hardenbergh did make a return to Colonel Snyder of the third part of his company who were to go into actual service, and that the name of Peet, a negro man, a slave, belonging to the said Charles De Witt, was inserted in the said return; that the said Charles De Witt lives within the beat of the said Captain Hardenbergh, and that his name was not inserted in the said return.

"That Colonel Snyder did command one of the regiments to be formed of the said one-third of the militia aforesaid, and on the twenty-seventh day of April last, did issue orders to Lieut. Colonel Elmendorph, to cause the several drafts from his regiment immediately to be sent down to Fort Montgomery, and together with the said orders, did transmit the names of such of the said drafts as had not then joined their regiment at the said fort, in which list was the name of the said Charles De Witt.

"That the said lieutenant-colonel did, on the thirtieth day of April last, issue orders to the said Captain Hardenbergh, among other things, to apprehend such of the said defaulters as belonged to his company, and whose names were enumerated at the foot of the said orders, among whom was the name of the said Charles De Witt.

"That the said Capt. Hardenbergh, in pursuance of the said orders, did, on the fifth day of May, instant, with a body of armed men, apprehend the said Charles De Witt, at his house, and bring him from thence under guard, to Kingston.

"That the said Charles De Witt being a member of the said Convention, they did, on being informed of his having been apprehended as aforesaid, resolve as follows, vizt:

"Whereas this House is informed that Captain Gerardus Hardenbergh hath presumed to imprison a member of this Convention,

"*Resolved*, That the said Gerardus Hardenburgh do immediately attend this House.

"That the said Captain Hardenbergh attending, and being asked by what authority he took the said Charles De Witt, produced the order aforesaid, of Lieutenant-Colo. Elmendorph, alleging in his defence, that he thought it his duty to obey the orders of his superior officers.

"That the Convention did thereupon order the said Lieutenant-Colonel Elmendorph to attend the House; and he accordingly attending, justified the orders he gave to Capt. Hardenbergh by the orders aforesaid of Colonel Snyder.

"That the Convention did then resolve that Brigadier-Genl. George Clinton be requested to direct Colonel Johannes Snyder to attend the House without delay.

"That the said Convention did, on the thirteenth day of May, instant, dissolve themselves; but that previous to their dissolution, the said Colonel Snyder not appearing, the Convention did resolve, as follows, vizt:

"*Resolved and Ordered*, That the subject matter of the arrest of Colonel De Witt, one of the members of this Convention, by order of Colonel Snyder, or one of the officers under his command, be referred to the Council of Safety, to hear and determine thereon.

"That on the sixteenth day of May instant, the said Colonel Snyder did appear before the Council of Safety of this State, and in vindication of his conduct aforesaid, alleged, "that as the resolution of the field officers aforesaid respecting the invasion of this State, and the including the exempts in the third part of the militia aforesaid, were agreed to by them in the presence and with the consent of the general, he thought the brigade orders incomplete without them, and that he caused the said resolutions to be added to his copy of the said brigade orders, agreeably to the opinion of Lieutenant-Colonel Elmendorph, Major Wynkoop and Major Houghteeling.

"That he does not remember to have told Captain Hardenburgh that Charles De Witt and Cornelius Cole might each of them give a negro as aforesaid; that it is true that the said Captain did return to him the name of Peet, a negro man slave of the said Charles De Witt, as one of the third part of his company who were to go into service as aforesaid, and that it is also true that in the said list of defaulters which he sent to Lieutenant-Colonel Elmendorph, he omitted the name of the said negro, and inserted that of his master, the said Charles De Witt, for the following reasons: that a negro slave was not to be considered as belonging to the militia; that from the negro's having been returned to him as a defaulter, he imagined that his master, the said Charles De Witt, had agreed to let him go into the service, and that he added the name of the said Charles De Witt to the list of the defaulters to be apprehended as aforesaid, in expectation that the captain, instead of apprehending, would have waited upon him, the said Charles, and that he would have given some money by way of bounty to those of the said company who were drafted as aforesaid.

"That the said Colonel Snyder, Lieutenant-Colonel Elmendorph and Captain Hardenbergh, at the time and long before the apprehension aforesaid of the said Charles De Witt, did know that he was a member of the Convention of the State of New-York, daily employed in discharging the duties of a Representative of the county of Ulster in the said Convention.

"The Council having taken the above facts into consideration, and having deliberately heard and examined the allegations and proofs of the said Colonel Snyder, Lieutenant-Colo. Elmendorph and Captain Gerardus Hardenbergh, have thereupon come to the following resolutions:

"*Resolved*, That the said Colonel Snyder, Lieutenant-Colonel Elmendorph, and Captain Gerardus Hardenbergh are guilty of a high breach of the privileges of the Convention of the State of New-York.

"*Resolved*, That the conduct aforesaid of the said Colonel Johannes Snyder appears to this Council to have been unwarrantable with respect to his general, affrontive with respect to the late Convention of this State, and malicious with respect to the said Charles De Witt.

"*Resolved*, That the aforegoing state of facts and resolutions be laid before the Council for the appointment of officers, at their first meeting.

"*Ordered*, That a copy of the said state of facts and resolutions be served on each of them, the said Colonel Johannes Snyder, Lieutenant-Colonel Elmendorph, and Captain Gerardus Hardenbergh..

"That each of those gentlemen be dismissed from any further attendance on this Council, and that the said state of facts and resolutions be published in Mr. Loudon's newspaper."

Mr. Morris has leave of absence for one fortnight from the time of his departure, and he engages to return at the expiration of a fortnight, accidents excepted.

Ordered, That Mr. Jay and Mr. Morris be a committee to prepare and report instructions for Mr. David Currie.

A petition of Robert Vanduerson and a number of other prisoners from the manor of Livingston and Rhinebeck, praying for the benefit of the declaration of the tenth day of May instant, was read.

Ordered, That it lie on the table.

Whereas Jacob Schurman, Junr. Samuel Hains, Joseph Turner, and Bloomer Neilson, who were committed to jail about nine months ago for treasonable practices against this

State, have manifested contrition for their past misdemeanors, and are willing to return to their allegiance, and become good subjects of this State,

Resolved, That the said Jacob Schurman, Samuel Hains, Joseph Turner, and Bloomer Neilson be pardoned for the said treasonable acts by them heretofore respectively committed, and, on taking the oath of allegiance to this State, discharged.

The said Jacob Schurman, Junior, Samuel Hains, Joseph Turner and Bloomer Neilson, having accordingly taken the said oath,

Ordered, That they be discharged and permitted to pass uninterrupted to their respective families in Ulster county.

Egbert Benson, Esqr. Attorney-General of this State, accordingly attended the Council of Safety, and in Council took and subscribed on the roll the oath of allegiance to this State and an oath of office.

A letter from Matthew Adgate, Esquire, dated at New-Canaan, on the sixteenth instant, relative to a person qualified to make flints, was received and read.

Ordered, That the same be referred to Matthew Cantine, William Harpur and Jonathan Lawrence, the committee appointed by Convention for that and other purposes, on the ninth day of May instant.

The petition of Dennis Kennedy, relative to effects given to him or left in his charge by Peter Corney, and for which Peter Corney was to procure an exchange of effects, was read.

Copies of sundry certificates that Peter Corney has complied with, or been ready to comply with his part of the contract, was also read.

Ordered, That the same be referred to Mr. Platt and Mr. Abraham Yates.

A letter from John Gibson, Auditor-General, was read, and follows, to wit:

"*Treasury Office, Philada. May* 8, 1777.

"HONOURABLE GENTLEMEN—I have the honour to enclose you several copies of a resolve of Congress, passed the 29th of April, 1777, which I am directed to do by the Honble. Board of Treasury, and the Board requests that a strict attention may be had to the several matters therein recommended to the States. An order they hope will immediately be issued for an account of the sum advanced by your State for the recruiting service, and the names of the officers to whom they were paid, to be transmitted to the paymasters of the several battalions in which they serve, and that due care will be taken that the regimental paymasters make their report to you of the settlement of those accounts, together with the vouchers to be produced when approved of by your State to the treasury board, on adjustments of their accounts. If any of the regimental paymasters refuse or neglect to obey the directions of the resolve, their names are to be transmitted to the Commander-in-Chief of the department in which they may happen to be, in order to have the delinquents removed according to the directions of Congress.

"I have the honour to be, honourable gentlemen,

"Your most obedient humble servant,

"JOHN GIBSON, *Aud. Genl.*

"Honourable the Convention of the
State of New-York."

The resolution referred to in the aforegoing letter from the Auditor-General, John Gibson, Esqr. was also read, and is as follows, to wit:

"IN CONGRESS, *April* 29, 1777.

Resolved, That it be recommended to the several States forthwith to order the sums advanced by them for recruiting the Continental battalions raised by the said States, together with the names of the officers receiving the same, to be transmitted to the paymasters of such battalions, and that the said paymasters be respectively required to call such officers to account therefor, who shall produce certificates from the muster-master or deputy muster-master-general, specifying the number of non-commissioned officers and soldiers, and also of officers of the lighthorse, the number of horses and arms and equipage belonging to their respective regiments, companies or troops, together with such other vouchers as shall be necessary to prove the sums expended for those articles, the subsistence of the troops before their joining the army, the loss of money by death, or desertions of non-commissioned officers and soldiers before muster, or other necessary expenses. And it is further recommended to the said States that they order the said regimental paymasters to report to them the settlement of the said accounts, together with the vouchers to be produced when confirmed by the said States, to the treasury board, on adjustment of their accounts.

"That it be recommended to the said States, if any of the regimental paymasters shall neglect to obey their directions as aforesaid, to order their names to be transmitted to the Commander-in-Chief of the department, who shall thereupon remove from office such delinquent paymasters and supply their places with such others as he shall think qualified therefor.

"That if any officer shall not, within one month after application for that purpose, render such account, the regimental paymaster requiring the same shall make report thereof to the Commander-in-Chief of the department, who shall order a court martial on such officer, and also on such other officer or officers as shall be guilty of embezzling the public money; and the fact being ascertained by their report, shall immediately cause him to be cashiered, and a copy of the report delivered to the regimental paymaster, to be transmitted to the State to which he belongs, that such State may give proper orders for compelling the delinquent officer to account in a court of justice.

"That duplicate accounts of all moneys advanced by Congress by general officers and by the paymaster and deputy paymasters-general for recruiting Continental battalions, be transmitted by the treasury board; such general officers and paymaster and deputy paymasters-general respectively to the commissioners of accounts for the army in the northern and middle departments, who shall deliver the same to the respective regimental paymasters, to enable them to call the officers chargeable with such money, to account in the manner before directed; and the said regimental paymasters shall transmit to the respective commissioners aforesaid, the settlement of such accounts with the vouchers, who shall report to the treasury office those which are approved of by them, and shall proceed with the regimental paymaster neglecting to obey their directions herein, and officers not accounting for the moneys by them received as aforesaid, in the manner proposed to be pursued by the States in the preceding resolve.

"That the general officers, paymasters and deputy paymasters-general respectively, be also directed to transmit to the treasury office duplicate accounts of all moneys advanced by them for recruiting Continental battalions as aforesaid.

"That all regimental paymasters be directed to apply to the respective commissioners for accounts of the sums advanced to their officers as aforesaid.

"That all commissioners of claims or accounts be empowered to administer oaths or affirmations to persons examined by them in the execution of their office.

"Extract from the minutes.

"CHARLES THOMSON, *Secretary*."

Ordered, That the said letter and resolutions be referred to the Auditor-General and that he carry the same into execution.

DIE LUNÆ, 10 HO. A. M.

May 26, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esq. *President*.

Mr. Jay, Colo. De Witt, Mr. G. Livingston, Genl. Scott, Mr. Morris, Mr Abm. Yates, Mr. Platt, Mr. Harpur, Mr. Cantine.

Captain Hodge attending, requested that he may be permitted to employ some of the disaffected persons who are confined on board the vessels at Esopus Landing in transporting the Continental frigate Montgomerie out of Esopus creek into Hudson's river.

Resolved, That Captain Hodge be permitted to employ such of the disaffected persons confined on board the vessels at Esopus creek, to the number of ten, as shall be pointed out by Zephaniah Platt and Mathew Cantine, Esquires.

DIE MARTIS, 10 HO. A. M.

May 27, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esq. *President.*

Mr. Abraham Yates, Mr. Cantine, Mr. Platt, Colo. De Witt, Genl. Scott, Mr. G. Livingston, Mr. Harpur, Mr. Jay, Mr. Morris.

Ordered, That Colonel De Witt and Mr. Cantine be a committee to inspect the quality of the gunpowder manufactured and sent to this place for the use of this State by Henry Wisner, Esq.

Ordered, That Colonel De Witt and Mr. Cantine be a committee to furnish the guards at this place with such ammunition as they may deem necessary.

Ordered, That Mr. Gilbert Livingston be appointed to cause the rigging and stores of the brigantine, lately commanded by Charles Sprainger, to be inventoried and appraised, and that Captain William Bedlow be supplied with such parts thereof as he may require for the obstructions making in Hudson's river, near Pollepel's island; that a receipt be taken from Capt. Bedlow for such part as may be delivered to him agreeably to the said appraisement to be lodged with the Treasurer of this State and charged to the Continental account.

The petition of Wendel Cranmer, praying that Jacobus Low may not be suffered by force to dispossess him of a piece of land whereon he now resides, without due course of law, was read and committed to Captain Platt and Mr. Yates.

A letter of the twenty-third instant was received from Lieutenant-Colonel Jacob Hornbeck, informing the Council that when a third part of the militia of Ulster and Orange was drawn into service, it was agreed by Brigadier-General Clinton and the field officers, that any three men who should be classed together in the said counties and could not agree to make out one man to stay the whole time, that said three men might make out together to serve the said time by turns, in consequence of which several do serve by turns and relieve each other on set times. And further, that Captain Frederick Schoonmaker, who was enlisting a company of men by order of the late Convention, had enlisted several persons who were to go their turns as aforesaid, whereby discontents will be created and the service injured.

Resolved, That Captain Schoonmaker do not in future enlist any men into his company who are actually engaged in manner aforesaid, to relieve any men of the militia called into service as aforesaid, and that he discharge all such of the men whom he hath already enlisted as are under those engagements.

A letter with the proceedings of the committee of Claverack, dated the twenty-fourth instant, accompanying Petrus Shoevelt, Coenraad King, George Teter and James Biggs, dangerous and disaffected persons, apprehended and sent to the Council of Safety, under guard, by the said committee, was read and filed.

Ordered, That the Treasurer of this State pay to Lieutenant Cornelius Hooghboom, or Jacob Gaul, the sum of eight pounds four shillings and four pence, for the service and expenses of himself and four privates in bringing the said four prisoners from Claverack to Kingston.

4 ho. P. M. May 27, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *President.*

Mr. Abraham Yates, Genl. Scott, Mr. Jay, Colo. De Witt, Major Van Zandt, Mr. Morris, Mr. Harpur, Mr. Gilbt. Livingston.

Ordered, That the Treasurer of this State advance to Zephaniah Platt and Mathew Cantine, Esqr. a committee appointed by the late Convention of this State to suppress and quell all plots and insurrections among the disaffected inhabitants in the manor of Livingston and Rhinebeck precinct, the sum of five hundred pounds on account of the contingent charges of the said committee.

Resolved, That the said committee be, and they are hereby, directed to pay the expenses which have accrued upon the business of their said appointment.

Resolved, That Mr. Jay and Mr. Yates be a committee to report the draft of a commission for holding a court of oyer and terminer in this State.

Resolved, That expresses be sent to Robert Yates and John Sloss Hobart, Esquires, commanding their immediate attendance at this Council, to take the oaths and proceed to the execution of their offices.

Ordered, That the Treasurer of this State advance to Mr. Gilbert Livingston and Major Van Zandt, (or either of them,) a committee appointed by the late Convention of this State, to provide vessels for the reception of the disaffected and dangerous persons, apprehended in Rhinebeck and manor of Livingston, the sum of one hundred and twenty pounds, on account of the said business.

DIE MERCURII, 10 HO. A. M.

May 28, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *President.*

Mr. Zephaniah Platt, Mr. Jay, Mr. Yates, Mr. Robert Harpur, Mr Cantine, Mr. Gilbt. Livingston.

Ordered, That the Treasurer of this State advance to Mr. William Bedlow, the further sum of two thousand five hundred pounds, for the use of the obstructions making near Pollopel's island in Hudson's river, to be charged to the Continental account.

An order of two of the commissioners of conspiracies, was read, and is in the words following, to wit:

"*State of New-York, ss.*—By the commissioners for conspiracies, &c. Poughkeepsie, May 27th, 1777, *Resolved*, That Capt. Robt. Castle be requested to dismiss Petrus Soefelt from his confinement on board the vessel, in order for his immediate attendance before this board.

"EGBT. BENSON,
"PETER CANTINE, JUNR.
"*Commissioners.*"

Ordered, That the committee who have the direction of Capt. Schoonmaker's company, order the said Petrus Soefelt to be sent to the commissioners at Poughkeepsie, under a proper guard.

A memorial of John Wheelock, Esqr. was read, and follows, vizt:

"*To the Honourable Council of Safety for the State of New-York.*

"The memorial of John Wheelock, Esqr. humbly sheweth: That on the eighth day of April last, he received a commission from the Honourable Convention of this State to raise three companies of men in the northeastern parts of the said State, to be employed in the service of the same.

"That the term of time for raising the said men was limited to nine weeks from the date of the resolves of the Convention respecting that affair.

"That according to the said resolves, the number of officers and privates are to be the same as those raised in the Continental service; but that fifty men raised in each company will be sufficient to entitle the recruiting officers to Continental pay, &c.; provided the men are raised within eight weeks after they have received their warrants.

"In consequence of the above resolves your memoralist has exerted himself and found remarkable success; but considering the many disadvantages arising contrary to his expectations, since the warrants were given out, and in particular the obstructions to the raising of men in the northeastern parts of this State from their late political situation, under which circumstances he has studied to avoid as much as possible all unreasonable expenses to the State, having warranted as yet but half the number of commissioned officers necessary to complete the said companies, some of which received orders the 19th of April, and others towards the first of May, and have raised as he supposes, before this time about a third of the men which would entitle double the number of commissioned officers to Continental pay, rations, &c. from the date of their warrants.

"Your memoralist therefore prays your Honourable Council to take the above matters into your wise and prudent consideration; and if consistent with your important trust and the public interest, grant him such enlargement of time to fill the said companies as your wisdom may determine, consistent with the state of affairs as offered for your Honour's consideration. And your memorialist as in duty bound shall ever pray, &c.

"JOHN WHEELOCK.

"*Kingston, 28th May, 1777.*"

Thereupon,

Resolved, The time allowed for raising the three companies to be by him raised for the service of this State be prolonged eight weeks from the time formerly allowed by the resolutions of the late Convention for that purpose.

Resolved, That Samuel Paine, Esq. and Eleazer Wheelock, the one by Major Wheelock appointed a captain and the other a lieutenant, be commissioned; and that Major Wheelock direct Lieutenant Wheelock with the privates of Captain Pain's company to march to Fishkill, in Dutchess county, without delay, there to receive and follow the further directions of the Council of Safety or executive power of this State.

Resolved, That General Bayley, of Gloucester county, be requested to order one of the companies of the troops raised in the counties of Gloucester and Cumberland, usually called rangers, to march to Kingston, in Ulster county, without delay, to follow the further directions of the Council of Safety, or executive power of this State.

Mr. Jay, according to order, reported a draft of a letter to the Delegates of this State at Congress, which was read and approved of, and is in the words following, vizt:

"GENTLEMEN—The Council of Safety are of opinion that the report of the Committee of Congress, relative to the cruelties of the enemy towards their prisoners will be productive of very good effects if properly published and distributed, which they think cannot be done so well by parcels in a newspaper as altogether in a pamphlet. They therefore desire and enjoin you to use your best endeavours to obtain a resolution of Congress for immediately printing that report and the affidavits referred to in it, in a pamphlet, and at the expense of this State; to send a thousand copies to the Council of Safety for the purpose of being distributed among the inhabitants.

"I am also directed to suggest to you that in the opinion of the Council it would be useful to send a number of copies to Europe and the West Indies; they would furnish the advocates of humanity and the rights of mankind with a proper idea of the spirit with which the King of Britain wages and conducts this wicked war against us.

"The Council are happy to hear that justice will probably be done Major-General Schuyler, and they much commend your attention to that subject.

"They are anxious to be informed of the determinations of Congress respecting the memorial delivered to them by General Morris.

"I am, &c.

"*P. S.* You will peruse, and if you think proper, seal and deliver the enclosed letter.

"To the Honble. PHILIP LIVINGSTON, Major-Genl. SCHUYLER, JAMES DUANE and WILLM. DUER, Delegates, &c."

Ordered, That a copy thereof be engrossed, and signed by the President, and transmitted.

Mr. Jay also reported a draft of a letter to the Congress, which was read and approved of, and is in the words following, to wit:

SIR—At a time when the counsel and arms of America should be directed to the defence of all the United States against a foreign invasion, it gives us pain to find it our duty to call the attention of Congress to the domestic concerns of this.

"A faction in the northeastern part of this State is at separation from it, and have declared themselves independent.

"Although we apprehend no great difficulties in reducing these factious spirits to obedience and good order by the justice and vigour of the government of this State without the aid of Congress; yet as a report prevails, and is daily gaining credit, that they are privately countenanced in their designs by certain members of your Honourable House, we esteem it our duty to give you this information, that by a proper resolution on that subject, the reputation of Congress may cease to be injured by imputations so disgraceful and dishonourable.

"However unwilling we may be to entertain suspicions so disreputable to any member of Congress, yet the truth is, that no inconsiderable number of the people of this State do believe the report to be well founded, and of course their confidence in the justice, and their respect for the determinations of Congress, will, we fear, be diminished; nor can it be difficult to perceive what an unhappy influence such reports will have on the minds of the best whigs in this State, especially at this critical juncture.

"I have the honour to be, &c.

"To Honble. JOHN HANCOCK, *Prest.*"

Ordered, That a copy thereof be engrossed, and signed by the President, and transmitted.

The petition of the officers of the regiments of Colonels Pawling, Snyder and Dubois, now in service at Fort Montgomery, praying that commissioners may be appointed to receive their votes for Governor, Lieutenant-Governor, &c. was read, and follows in the words, to wit:

"*To the Honourable Council of Safety of the State of New-York:*

"The petition of us, field officers of Col. Pawling's, Snyder's and Duboys's regiments, stationed at Fort Montgomery, humbly sheweth:

"That your petitioners, being out in the service in defence of their country, having understood that elections at different places, (this post excepted,) are in short to be held for the choosing of a Governor, Lieutenant-Governor, Senators and Assembly for the State of New-York, do, as members of said State, (considering the above circumstance,) humbly pray that commissioners be appointed to receive the votes of us, and such other persons belonging to our respective regiments at this post, as are entitled to give them. And your petitioners, as in duty bound, shall ever pray.

"LEVI PAWLING, Col.
"JAMES McCLAGHRY, L. Col.
"JOHS. HARDENBERGH, JUR. Lt.
"P. HOOGHTELING, Major,
"LEWIS DUBOYS, Coll.
"JAS. BRUYN, Lt. Coll."

Ordered, That the consideration thereof be postponed till this afternoon.

4th ho. P. M. May 28, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *President.*

Mr. Jay, Mr. Yates, Mr. Harpur, Mr. Platt, Genl. Scott, Major Van Zandt, Colonel De Witt, Mr. Gilbt. Livingston.

The Council proceeded to the consideration of the petition of the field officers of the Colonels Pawling, Snyder and Duboys, regiments, stationed at Fort Montgomerie, praying that commissioners may be appointed to receive their votes for Governor, Lieutenant-Governor, Senators and Assembly.

The said petition being read, Genl. Scott, seconded by Mr. Harpur, moved that the prayer of the said petition be granted. After long debates, it was

Agreed and Ordered, That the further consideration of the said motion be postponed till to-morrow morning.

Simon Van Kleeck and Levi Quimby having been with the enemy, and having returned to their allegiance, by taking the oaths and complying with the terms directed by the ordinance of the late Convention, were pardoned and discharged.

DIE JOVIS, 10 HO. A. M.

May 29, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Mr. Platt, Colo. De Witt, Mr. Gilbt. Livingston, Major Van Zandt, Mr. Cantine, Mr. Abm. Yates, Mr. Harpur, Mr. Jay, Genl. Scott.

A letter from Henry Wisner, at Goshen, dated the twenty-sixth instant, informing that he had, by virtue of the *dedimus* transmitted to him by the Council of Safety, waited on Jesse Woodhull, Esquire, sheriff of Orange county, and administered to him the oath of allegiance and of office, was read and filed.

A letter from Jacob Bladtnaer, Junr. dated this day, was read. He therein informs that his brother-in-law Flyte Miller, is confined on board the ship, and as he is truly penitent of his misconduct, the said Bladtnear offers to become bondsman or surety for him.

Ordered, That the said letters lie on the table.

The Council proceeded to the consideration of Genl. Scott's motion on the prayer of the petition of the field officers of the regiments stationed at Fort Montgomerie, to wit, that the prayer of the said petition be granted.

Mr. Jay, seconded by Mr. Gilbt. Livingston, moved for the following amendment to Genl. Scott's motion, to wit:

WHEREAS the late Convention of this State did, prior to their dissolution, pass and publish an ordinance for organizing and establishing the government agreed to by the said Convention, and among other things in the said ordinance contained, did ascertain and appoint the manner in which, and the particular places at which the elections therein mentioned should be held:

Resolved, That it would be highly improper for this Council to direct that the elections aforesaid should be held in any other manner, or at any other place or places, than those which the said Convention did, in and by the said ordinance, nominate and prescribe.

Debates arose, and the question being put on the said proposed amendment, was carried in the negative in manner following, to wit:

For the affirmative.	*For the negative.*
Mr. Jay,	Genl. Scott,
Mr. Gilbt. Livingston,	Mr. Yates,
Mr. Platt,	Mr. Cantine,
Colo. De Witt.	Major Van Zandt,
	Mr. Harpur.

The question was then put on Genl. Scott's motion, to wit: That the prayer of the said petition be granted, and carried in the affirmative in the following manner, to wit:

For the negative.	*For the negative.*
Genl. Scott,	Mr. Jay,
Mr. Cantine,	Mr. Gilbt. Livingston,
Mr. Yates,	Mr. Platt,
Mr. Harpur,	Colo. De Witt.
Major Van Zandt.	

Thereupon,

Resolved, That the prayer of the said petition be granted.

Adjourned till the afternoon.

DIE JOVIS, 4 *ho. P. M. May* 29, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esquire, *President*.

Genl. Scott, Mr. Yates, Mr. Platt, Mr. Jay, Colo. De Witt, Mr. Gilbt. Livingston, Mr. Cantine, Mr. Harper.

Ordered, That Mr. Platt and Major Van Zandt, be a committee to confer with Captain Rogers, of the sloop of war Montgomery, belonging to this State, who is now attending.

Mr. Jay, according to order, reported the draft of a commission for holding courts of oyer and terminer, and general jail delivery in this State, which was read, amended and approved of, and is in the words following, to wit:

"The People of the State of New-York, by the grace of God free and independent: To our trusty and well beloved chief justice of our supreme court of judicature, for our said State; and to puisne judges of our said court; and to Esquires, justices of the peace for our county of GREETING:

"Know ye, that we have assigned, and do by these presents assign you the said or any three of you, (whereof we will either of you, the said to be one,) our justices, to inquire, by the oaths of honest and lawful men of the county aforesaid, and by other ways, methods and means, by whom and by which the truth of the matter may be the better known, of whatsoever, treasons, misprisions of treasons, insurrections, rebellions, murders, felonies, homicides, killings, burglaries, rapes of women, unlawful congregations and assemblies, words spoken, misprisions, confederacies, false allegiance, trespasses, riots, routs, escapes, contempts, falsehoods, negligences, concealments, maintenances, oppressions, champerties, deceits, and other misdoings, offences and injuries whatsoever; as also of the accessaries thereunto within the county aforesaid, by whomsoever and howsoever had, done, perpetrated or committed; and by whom, to whom, when, where and how, and of all other articles and circumstances, the premises, or any of them anywise concerning. And the said treasons, and other the premises for this time, to hear and determine, according to the law of our said State. Therefore we command you, that at such a certain day and place as you, or any three of you, (whereof we will either of you the said to be one,) thereto shall appoint, you make diligent inquiries of the premises, and all and singular the premises you hear and determine, and the same do and fulfil in honour aforesaid, doing therein that which to justice doth belong, according to the law of our said State, saving to us our amerciaments, and other things thereby to us belonging. For we have commanded our sheriff of our county aforesaid, that at such certain day and place as you, or any three of you, (whereof we will either of you, the said to be one,) shall make known to him, he cause to come before you, or three of you, (whereof we will either of you, the said to be one,) such and so many honest and lawful men of his bailiwick as that the truth of the matter may be the better known and inquired of. And further know ye, that we have constituted, and by these presents do constitute you, the said or any three of you, (whereof we will either of you, the said to be one,) our justices, our jail of our county aforesaid, of the prisoners therein, being for this time to deliver: And therefore we command you, that at such certain day as you, or any three of you, (whereof we will either of you, the said to be one,) shall appoint, you come to our court house of our said county, the said jail to deliver, doing therein what to justice doth belong, according to the law of our said State, saving to us our amerciaments, and other things thereby to us belonging. For we have commanded our sheriff of our said county of that at such certain day as you, or any three of you, (whereof we will either of you, the said to be one,) shall make known to him, he cause them to come before you

or any three of you, (whereof we will either of you, the said to be one,) all the prisoners of the same jail, and their attachments. These presents to continue and be in force for the space of from the day of the date hereof, and no longer.

"In testimony whereof we have caused these our letters to be made patent, and (declare the same to be of as much force and virtue as if) the great seal of our said State (which is not yet furnished,) had been thereunto affixed.

"Witness our trusty and well beloved Pierre Van Cortlandt, President of our Council of Safety for our said State, in the Council of the said State and by their order, at our town of Kingston the day of in the year of our Lord one thousand seven hundred and seventy-seven."

Ordered, That the Secretary cause two copies to be made of the said commission.

The letter from Isaac Shelden, Theodorus Van Wyck and Henry Livingston, Junr. commissioners in Dutchess county for disposing of the personal property of persons gone over to the enemy, and which was committed on the 23d instant, was again read. The said commissioners thereby allege that the allowance made to them while employed in that service is inadequate to their trouble and expense, and request additional pay.

The committee to whom the said letter was referred, reported "That it is their opinion that the augmentation of the pay of the said commissioners at this time would be attended with disagreeable consequences, as it would authorize every officer, or set of officers, now in the service of this State, to complain of their pay, and to expect success from a similar application." The same being taken into consideration,

Resolved, That this Council doth agree with their committee in the said report.

Adjourned till ten o'clock to-morrow morning.

DIE VENERIS, 10 HO. A. M.

May 30, 1777.

The Council met pursuant to adjournment.

Prayers.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Major Van Zandt, Mr. Jay, Mr. Platt, Mr. Cantine, Mr. Yates, Mr. Harpur, Colo. D. Witt.

For want of another member to form a quorum, adjourned till four o'clock post meridian.

DIE VENERIS, 4 *ho. P. M. May* 30, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esquire, *President*.

Mr. Yates, Mr. Harpur, General Scott, Colo. D. Witt, Mr. Jay, Major Van Zandt, Mr. Platt.

For want of another member to form a quorum, adjourned till nine o'clock to-morrow morning.

DIE SABBATI, 9 HO. A. M.

May 31, 1777.

The Council met pursuant to adjournment.

Prayers.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Mr. Cantine, Mr. Abm. Yates, Mr. Harpur, Major Van Zandt, Judge Platt, Mr. Jay, Colo. De Witt.

Mr. Jay informed the other members present that Mr. Colden's wife and son are come to Esopus to visit him, and therefore request that his going on board of a vessel at the strand may be postponed until Tuesday next.

It is the opinion of all the members present that this request of Major Colden be granted; and that Mr. Jay inform the sheriff and Mr. Colden thereof.

General Scott came in and took his seat.

Ordered, That two hogsheads of leather breeches now in the store of Captain John Elmendorph be sent to the clothing store at Fishkill, to Mr. John Henry, and that Captain Elmendorph be requested to have them sent by the first safe, convenient opportunity by water.

Ordered, That the Secretary prepare a bond to the Treasurer, to be executed by David Currie and his sureties, in the sum of three thousand pounds conditioned for the faithful discharge of the trust reposed in him and to account for the said sum. That the Secretary enclose the said bond to David Currie to be executed, and by letter direct Mr. Currie to apply to General McDougall for directions.

A letter from Captain Isaac Belknap, dated the twenty-ninth instant, was read and filed. He therein informed that since he received the resolutions of the twenty-ninth ultimo, which was on the seventeenth instant, he and his subalterns have been endeavouring to recruit. That by means of the late calls of militia, and the superior encouragement given to those who will accept employment at the works making to obstruct the navigation of Hudson's river, it is very difficult to obtain men to recruit the company, and that they had not at the date thereof enlisted even one man. Therefore,

Resolved and Ordered, That Captain Isaac Belknap, and the remainder of his officers and men, be discharged and disbanded.

The petition of Thomas Done, with two certificates, were brought in and were read. The petition is in the words following, to wit:

"*To the Honourable the Council of Safety of the State of New-York.*

"The petition of Thomas Done humbly sheweth: That in January, in the year 1775, your petitioner enlisted in the Massachusetts Bay levies, which marched to the relief of our troops before Quebec; that at the expiration of the time he so enlisted, (to wit,) the 15th of April following, your petitioner engaged in the service of this State, and entered into Capt. Lamb's company of artillery, then commanded by Capt. Lieut. Wool; that while your petitioner belonged to the said company, (to wit,) on the first day of May, as he was on duty at a two gun battery near Charles's river, he was wounded by the bursting of one of our own cannon, and thereby totally lost his sight, besides being otherwise greatly injured; that on the 6th of May your petitioner was taken prisoner and remained in captivity until last fall, when he was, with the other prisoners, sent by Genl. Carlton to Elizabeth Town; that your petitioner some time after applied to the Honourable John Hancock, President of the Congress, for relief, who directed your petitioner to repair to where he first entered into the service of these States; that accordingly your petitioner went to Alfred, in the Massachusetts Bay State, where the committee refused to make any provisions for him, insisting that your petitioner ought to be provided for by that State in whose immediate service he was at the time he received his wounds.

"Your petitioner therefore humbly begs leave to lay his case before this Honourable House, praying that they will grant him such relief as they in their wisdom shall think fit. And your petitioner, as in duty bound, shall ever pray.

"THOMAS DONE.

"*Kingston, May 30th, 1777.*"

The examination of Thomas Done: "Says he was born at Sheffield, in Yorkshire, in that part of Great Britain called England; that he was a pressed man on board the Chatham, a fifty gun ship belonging to the British navy, and ran away from her at the island of Antigua; from whence, by different conveyances, he arrived in the Massachusetts Bay State, soon after the death of General Montgomerie, where he enlisted two or three days after his arrival, in the Massachusetts Bay troops, for three months' service, and proceeded with them to Quebec, and continued in that service until those troops were discharged; and thereupon he enlisted in the Continental company of artil-

lery commanded by Captn. Lamb, in which service he lost his sight as mentioned in his petition."

Resolved, That this State will, for the present, make some provision for the said Thomas Done, a Continental maimed soldier, agreeably to Continental regulations for that purpose. And

Ordered, That he be committed to the care of the Secretaries until further order; that they, or one of them, disburse some money for his aid and support, and charge this State with the same. And

Resolved, That the same disbursements be repaid by this State.

An application of John Dumont, chairman of the committee of Kingston, was read, and follows in these words, to wit:

" To the Honourable Council of Safety of the State of New-York.

"WHEREAS, at the request of the Convention, the committee of this town, some time in February last, ordered and established a night watch to be kept, to guard the State prisoners, every man in this town belonging to the militia, were ordered, agreeable to the committee's regulation, to come in their turn on said watch; some persons neglected, others refused, on whom the committee imposed fines, which fines were paid and lodged in the hands of the chairman: AND WHEREAS no direction is ordered, or pointed out by the militia regulations, how to apply those fines: Therefore, your informant prays the advice of the Honourable Council of Safety how, and in what manner, and for what uses, those fines shall be paid by your informer.

"JOHN DUMONT, *Chairman.*

" Kingston, May 30th, 1777."

The Council of Safety were informed that the said fines amount to fifty shillings.

Ordered, That John Dumont, Esqr. pay the said money to the present chairman of the committee of Kingston, to be by him applied to discharge the incidental charges of the committee.

A letter from Cornelius C. Schoonmaker, chairman of the committee of Ulster county, dated the twenty-ninth instant, was read. He therein refers to the petition of Jonathan Terwillger, therein enclosed, praying to be recompensed for the wound he received and the loss of his fusee, by Jacobus Rosa and his party.

The petition of Jonathan Terwillger, therein mentioned, was also read. He thereby prays a compensation for his wound and the loss of his fusee by Roos's party, and a compensation to Sergeant Joseph Freer for the loss of his arms and accoutrements by the said Roos and his party.

Ordered, That the said letter and petition lie on the table.

A long letter from Ebenezer Dayton, dated at on the instant, recommending the sending of ranging companies on Long island, was read.

A draft of resolutions, by him proposed and submitted to the consideration of this Council, was also read.

Ordered, That the said Ebenezer Dayton do attend this Council of Safety, as soon as conveniently may be, to confer with them on that subject.

DIE SABBATI, 4 *ho. P. M. May* 31, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esq. *President.*

Genl. Scott, Mr. Jay, Mr. Platt, Colo. De Witt, Mr. Yates, Mr. Cantine, Mr. Van Zandt, Mr. Harper.

A letter from Genl. Gates, dated at Albany, thirtieth day of May instant, was received by express, and is in the words following, vizt:

" Albany, 30th May, 1777.

"SIR—I send the enclosed packet for General Washington, unsealed, for your perusal. I desire (having read the contents) you will instantly forward the General's packet, by a faithful messenger, to Head-Quarters; you will be careful to seal the packet.

"I am, sir,

"Your most obedient, humble servt.

"HORATIO GATES.

"To the Honble. the President of the Council of Safety for the State of New-York."

Therein were enclosed the following papers, vizt: a return of the garrison at Ticonderoga, made the 24th of May; and a copy of a letter from General Poor to Major-General Gates, dated the 25th instant; and also a copy of another letter from Genl. Poor to General Gates, dated the 27th instant, of which the following is an extract, to wit:

"I sent out a reconnoitering party; they landed at the Split rock, about the break of day, within one hundred and fifty yards of the enemy's advanced boat, which the approach of day discovered, together with two schooners and six gondolas; all within three hundred yards of them. He observed on the west shore about forty batteaux, but as there was a thick fog, could only discover the form of the vessels and a number of fires; a very heavy morning gun was discharged lower down the lake, he thinks at Schuyler's island."

There was also enclosed a letter from General Gates to his Excellency General Washington.

The same being read,

Ordered, That John McLean, as a special messenger, do immediately proceed to His Excellency General Washington with the said packet from General Gates; and the said packet, being sealed by the Secretary, was accordingly delivered to John McLean, to whom a warrant was also given to impress horses if necessary.

Savage, one of the prisoners in Ulster county jail, was brought before the Council of Safety and examined as to the letters which Smith, the horse thief, told James Robison he had buried. Savage says that he heard Smith tell Robison that, near the house at which he was taken, he buried a letter and some money at the foot of a large oak tree, near a pond or a puddle of water.

John Middagh and Henry Bush, sent prisoners from Rochester to Kingston, were brought up before the Council of Safety and examined.

Middagh acknowledges that he said that General Howe would come up Hudson's river some time in May and take North America; that he told how much he heard each man who enlisted in Howe's army, was to have; that he told these things as he had heard them; that he heard them from his brother and the company who were with him; that he met that company at the same time with James Merkell; that he is a friend to his country and means to continue so.

Henry Bush being examined, denies his having said any thing to the prejudice of his country; that he was sent for and examined before the committee of Rochester relative to having had any knowledge of Roosa or Middagh and their company; that he had not any knowledge of that company or their proceedings.

The said John Middagh and Henry Bush respectively took the oath of allegiance, were admonished as to their future conduct and discharged; and by order of the Council the Secretary present gave each of them a certificate of their having taken the said oath and therewith a discharge.

The sheriff of the county of Ulster brought up before the Council a paper writing, in the words following, vizt:

"SIR—Agreeable to a request received from the committee of this precinct, to me directed, you are hereby ordered to command a sufficient guard to take the body of Elnathan Foster and him safely convey to Kingston jail forthwith, whereof fail not. This from,

"Sir, yours,

"JONATHAN HASBROUCK, *Col.*

"*N. B.* By an order of committee you are to command Umphrey Merritt to take Elnathan Foster from whence he brought him, &c.

"J. HAS'K."

Which said paper was directed, on public service, to Capt. Stephen Case, or in his absence, to his next commanding officer.

The sheriff further informed the Council of Safety that a person who appears to be an officer, and who delivered him the said paper, had brought to him therewith the said Elnathan Foster (who was lately discharged by this Council) as a prisoner, and he requested the direction of this Council whether he should confine the said Elnathan Foster in jail. The sheriff was thereupon directed not to confine the said Elnathan Foster.

Ordered, That the sheriff take the parol of the said Elnathan Foster to continue in Kingston until further order, and that the sheriff discharge the guard.

Ordered, That Colonel Jonathan Hasbrouck and Abel Belnap, Esqr. chairman of the committee of Newburgh, be cited to appear before this Council of Safety without delay, to answer for their conduct in the premises.

Ordered, That the Secretary prepare, and the President subscribe, a letter to General Gates, with the respectful acknowledgments of the intelligence communicated by his packet, and informing him that the same was immediately sealed and forwarded by a trusty messenger, and that the said letter be returned by the express who came from General Gates.

The said letter was despatched accordingly.

Mr. Pettit having given some information to the Council,

Ordered, That his deposition be taken thereunto.

The depositions of Thomas Pettit and Johannes Freer were taken and read in the words following, to wit:

"Thomas Pettit being sworn, saith, that he this morning heard Johannes Freer say that the committee of this town found a great deal of fault with the Council of Safety, and that if the Council went on as they had done, they would not be a House much longer; and this deponent asked him where he heard it; he said from the committee. And further the deponent saith not.

"THOMAS PETTIT.

"Sworn in Council the 31st May, 1777, before me,
"PIERRE VAN CORTLANDT, President."

"Johannes Freer being sworn, saith, that the contents of the affidavit aforesaid of Thomas Pettit, are true, except that instead of the committee of this town, he told Mr. Pettit it was the committee of Marble Town who were displeased with the Council of Safety. And this deponent further saith, that Cornelius Tack, one of the members of the said committee, told this deponent yesterday that the committee aforesaid were much displeased at the Council having discharged Wilhelmus Markle and others; and that if the Convention went on in that way, in a week or fortnight they would be no Convention; and further saith not.

"JOHANNES FREER.

"Sworn 31st May, 1777.
"PIERRE VAN CORTLANDT, President."

Thereupon the Council come to the following order:

WHEREAS it appears to the Council of Safety by the affidavit of Johannes Freer, that Cornelius Tack of Marble Town, now or late one of the committee of the said town, hath been guilty of a high breach of privileges by speaking in menacing and disrespectful terms of the said Council as the Representatives of the free people of this State. Therefore,

Resolved and Ordered, That Captain Frederick Schoonmaker do take the said Cornelius Tack into custody and bring him to the bar of this Council on Monday next at twelve of the clock of that day.

DIE LUNÆ, 10 HO. A. M.

June 2, 1777.

The Council met pursuant to adjournment.

Prayers, &c.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Mr. Jay, Mr. Yates, Genl. Scott, Mr. Cantine, Mr. Van Zandt, Mr. Harpur, Mr. Platt, Major Tappen, Colo. De Witt.

The Honourable Major-General Schuyler delivered into the Council of Safety the following papers, to wit:

A copy of the report of the committee of the treasury, dated May the third, 1777, whereby it appears that General Schuyler hath advanced large sums in specie out of his private purse, for the Canada service, which follows in the words to wit:

"IN CONGRESS, *May the 3rd*, 1777.

"The committee upon the treasury, report that the commissioners for settling the accounts of the army in the northern department, have produced to the treasury board among other accounts adjusted by them, a general account of the receipts and disbursements of Major-General Schuyler, and a separate account of the disposal of specie remitted to him by Congress and otherwise, for carrying on the military operations in Canada; that the last mentioned account has, at General Schuyler's immediate request, been examined by the board of treasury, with the several vouchers; that it appears to this board, that before General Schuyler was supplied by Congress with any specie at all, he sent into Canada for the public service, more than 3,250 dollars in specie; that he sent such further sums in specie into Canada, raised on his private credit; that when the army retreated from thence, he was in advance upwards of the value of 10,000 dollars in specie above what he had been supplied with by Congress; that to reimburse his friends who had lent him the said specie, he, after the retreat from Canada, drew out of the military chest several sums in specie with which it was supplied after such retreat; but that he remains upon the final settlement of the said account, in advance for the public in specie, upwards of the value of 3,250 dollars more than he ever received in specie, having taken Continental money in payment thereof; that it further appears from the said account and vouchers, that none of the specie supplied to him by Congress before the retreat from Canada remained in his hands more than two days, the same being delivered over to the deputy paymaster-general.

"*Resolved*, That the said report be accepted and that the same be published.

"Extract from the minutes,
"CHARLES THOMSON, *Secretary*."

A copy of the report of the treasury, dated May 13th, that they approve of the settlement and adjustment made by the commissioners in the northern department on the account of the late Genl. Montgomerie, Major-General Schuyler, Jonn. Trumbull, Junr. Esqr. Paymaster-General of the northern department, and Walter Livingston, Esqr. deputy commissary-general of the said department, and of the confirmation of Congress thereon, and is in the words following, to wit:

"IN CONGRESS, *13th May*, 1777.

"The board of treasury reported that they have examined the late Genl. Montgomery's accounts with the United States, Major-Genl. Schuyler's accounts down to the twentieth of March last, the accounts of Jonathan Trumbull, Junr. Esq. Paymaster-General of the northern department, to the twenty-eighth day of January last, and the accounts of Walter Livingston, Esq. deputy commissary-general for the said department, as respectively reported to them, and settled and adjusted by the commissioners of accounts of the army in the said department, and that they approve of the settlement and adjustment of the said respective accounts by the commissioners aforesaid.

"*Resolved*, That the said report stand confirmed.

"Extracts from the Journals,

"WILLIAM CH. HOUSTON,

"*Dp. Secy.*"

The proceedings of the treasury board on the fifteenth day of May. They therein give Genl. Schuyler a final discharge on the public account of all demands of the United States of America against him, down to the twentieth day of March last past, and is in the following words to wit:

"At a board of treasury, held at the treasury office in Philadelphia, the 15th day of May, 1777.

"PRESENT—James Duane, Mann Page, Jona. Elmore, Esquires, *Superintendents.*
"John Gibson, *Auditor-General.*

"The report of the board of treasury of the 15th of May, one thousand seven hundred and seventy-seven, respecting the examination and settlement of Major-General Schuyler's accounts with the United States of America (amongst others,) having been confirmed by Congress on the seventeenth instant: We therefore, in virtue of the authority in us vested by Congress, do hereby finally discharge Major-General Philip Schuyler, on the public account, of all demands of the United States of America against him, and in any wise concerning the same, down to the twentieth day of March last past.

"JAS. DUANE, *Chairman.*

"By order of the board,

"JOHN GIBSON, *Audr. Genl.*"

Three resolutions of Congress, dated May the twenty-second, 1777; the first, that Albany, Ticonderoga, Fort Stanwix, and their dependencies, be henceforward considered as forming the northern department.

The second, that Major-Genl. Schuyler be directed forthwith to proceed to the northern department, and take upon him the command there.

The third, that the resolutions passed the sixth March, 1776, directing General Schuyler to establish his head-quarters at Albany, be repealed, which is as follows, to wit:

"IN CONGRESS, *May 22d*, 1777.

"*Resolved*, That Albany, Ticonderoga, Fort Stanwix, and their dependencies, be henceforward considered as forming the northern department.

"*Resolved*, That Major-General Schuyler be directed forthwith to proceed to the northern department, and take upon him the command there.

"*Resolved*, That the resolution passed the 6th day of March, 1776, directing General Schuyler to establish his head-quarters at Albany, be repealed.

"Extracts from the minutes.

"CHA. THOMSON, *Secy.*"

The report of the committee appointed to confer with the committee of the Assembly of the State of Pennsylvania, concerning the complaint of the Indians, that a number of the inhabitants of the said State, have seated themselves upon their lands, and which is in the words following, to wit:

"IN CONGRESS, *27th May*, 1777.

"The committee appointed to confer with a committee of the Assembly of the State of Pennsylvania, concerning a complaint of the Indians, report that they have conferred with the said committee, by whom they were informed that a considerable number of the inhabitants of Pennsylvania have seated themselves upon lands belonging to the Indians, without their leave, or any authority from the State; and that the Indians are very uneasy on account of such intrusion. Whereupon,

"*Resolved*, That the executive power or Legislature of Pennsylvania, ought to take proper measures to quiet the minds of the Indians, by assuring them that they shall have full satisfaction, either by the removal of the intruders, or by allowing them an adequate consideration for the soil, at the option of the Indians.

"Extracts from the journal.

"WILLIAM CH. HOUSTON,

"*Dep. Secy.*"

The said several papers were respectively read, and

Ordered, To lie on the table for the perusal of the members till to-morrow.

Ordered, That the last mentioned report of the committee relative to the Indians' lands, be published.

Adjourned till the afternoon.

DIE LUNÆ, 4 *ho. P. M. June 2d*, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *President.*

Genl. Scott, Major Tappen, Major Van Zandt, Mr. Cantine, Colo. De Witt, Mr. Jay, Mr. Harpur, Mr. Yates.

The papers containing sundry resolutions relative to General Schuyler, delivered in by him this morning, were taken into consideration, and the Council came to the following determination thereon, vizt:

This Council having received copies of three resolutions of the Honourable the General Congress of the third, thirteenth and twenty-second days of May, and also an extract from the minutes of the board of treasury, relative to Major-General Schuyler, and having taken the same into consideration,

Resolved, That the thanks of this Council be presented to the Honourable the General Congress, for the attention they have been pleased to pay to the reputation of that much injured and worthy officer, and for silencing the calumnies of envious and ill-designing men against him, by the honourable testimonies they have given of their sense of his integrity, and their confidence in his abilities to serve, as well as zeal to promote, the great cause of the United States.

Ordered, That copies of the said resolutions of Congress, and of this Council, be published, to the end that Major-General Schuyler may be restored to that general confidence and good opinions which he formerly enjoyed, and which may in some degree have been impaired, by the malicious and wicked reports, industriously propagated against him.

Ordered, That Coenraad Hoffman, Markus Lasher, and Brewer Decker, of the manor of Livingston, and who are now confined on board the vessels at Esopus Landing, on their taking the oath of allegiance, be discharged; and that the sheriff of Ulster cause the said three persons to be conveyed to the Secretary's office for that purpose.

Ordered, That the said sheriff, at his discretion, place Silas Duel, (who is confined and much indisposed on board one of the said vessels,) at some house in Ulster county, on his parol, and at his own expense, till further orders.

The Council being informed that Philip Pell, Junr. one of the commissioners appointed to settle and pay off the accounts contracted by a committee of the late Convention, for removing the grain and forage, as also the well affected inhabitants, from the lower parts of Westchester county, is employed in the public service in another department. Therefore,

Resolved, That Micah Townsend, Esqr. be and he is hereby appointed in his stead.

A letter from Colonel Cornelius Humphrey, informing the Council that Major Brinton Payne, whom he appointed to that rank by authority of the Committee of Safety, in January last, and was taken prisoner at the house of Stephen Ward in Westchester county, is confined at New-York and treated as a private, for want of a commission; that if the Council will be pleased to order a commission to be made out, General Clinton will forward the same by the first flag.

Ordered, That the Secretary make out a commission for Major Payne, and that James Livingston, Esqr. who

was chairman of the Committee of Safety at the time of his appointment, be requested to sign the same.

The House adjourned until to-morrow morning 10 o'clock.

DIE MARTIS, 10 HO. A. M.

June 3, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

PRESENT—Pierre Van Cortlandt, Esquire, *President*.

Major Van Zandt, Mr. Abm. Yates, Mr. Harper, Mr. Platt, Colo. De Witt, Mr. Cantine, Major Tappen, Mr. Jay, Genl. Scott.

Resolved, That this Council will lend to John Holt, printer, the types formerly seized at Fishkill, by order of the late Convention, Mr. Holt being accountable for the said types, and to return them on demand, in the like good condition to the order of the government of this State, and Colo. Hugh Hughs, deputy quarter-master general, is hereby authorized at the expense of the said John Holt, to have the said type transported to Kingston.

A letter from the Honourable Philip Livingston and James Duane, Esqr. dated the twenty-third day of May, was read, and follows in these words, to wit:

"*Philadelphia, May* 23*d*, 1777.

"HONBLE. GENTLEMEN—Since our arrival here we have not been honoured but with one public letter, which we ascribe to the multiplicity of business in which our Convention has been involved. It was by accident that we procured a copy of the ordinance for establishing a temporary government in our State, which has enabled us to address ourselves to your Honourable Body.

"The new delegation transmitted by the Secretary has reached us. Rest assured that our most zealous efforts shall be strenuously exerted to promote the general good and happiness of the United States, as well as the honour, interest and security of our more immediate constituents.

"General Schuyler is fully reinstated in his command, every point being adjusted entirely to his and our satisfaction. This business, with which more than the reputation of our State was so closely connected, required address and great attention, for reasons which the General, who delivers this, can explain.

"We shall now have leisure to turn our thoughts to the subjects of our instructions, which we shall diligently pursue, and flatter ourselves with the wished for success. The revolt in our State cannot but be considered as a dangerous and alarming example. Every country is plagued with profligate and ambitious men, who in times like the present may find it their interest, or be led by their passions to bring on revolutions. Good policy must therefore dictate to all the necessity of discouraging this factious and turbulent spirit, and of securing to every State its proper rights and jurisdiction as well against internal as foreign enemies.

"We fear the consideration of the boundaries of New-York has through the multiplicity of business been deferred; if so, we submit to your Honourable Body whether it ought not now to be despatched, especially as the Convention, by one of their letters, stood pledged to give Congress full information on that subject, and we can assure you it is expected.

"General Schuyler, one of our brethren, will take an opportunity of conferring with your Honourable Body on some other points which materially concern our State; the discussion of them here must be therefore unnecessary. Permit us only most earnestly to press you to pursue the plan of manufacturing salt in the interior parts of our State with unremitting vigour; as long as the war continues we must from the exposed situation of our sea ports be distressed for this necessary article of life, if we trust to a foreign supply: a temporary relief, we shall endeavour to procure, though it must be at a most enormous expense.

"We are confident that Congress will cheerfully interpose every good office to assist us.

"We are with the utmost regard,

"Honourable gentlemen,

"Your most obedt. humble servants,

"PHIL. LIVINGSTON,

"JAS. DUANE.

"*P. S.* Mr. Duer is stept out, and the General mounting, which prevents his signing this letter.

"Honble. Council of Safety for the State of New-York."

Ordered, That it lie on the table for the perusal of the members.

Resolved, That William Smith and John Patterson, Esquires, now residing in the manor of Livingston, do forthwith attend this Council.

Ordered, That Lieut. De Witt be directed to serve the above order.

The bond of David Currie, for the faithful execution of his office, was read and approved of, and is in the words following, to wit:

"Know all men by these presents, that we, David Currie, Archibald Currie and Cornelius Seabring, all at present of Dutchess county, in the State of New-York, and formerly of the city of New-York, are held and firmly bound unto Peter Van Brugh Livingston, Esquire, Treasurer of the said State of New-York, in the sum of three thousand pounds, lawful money of New-York, to be paid to the said Peter Van Brugh Livingston, or to his certain attorney, executors, administrators or assigns, as Treasurer of the said State, for payment whereof, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents.

"Sealed with our seals, and dated this third day of June, one thousand seven hundred and seventy-seven."

WHEREAS the late Convention of the Representatives of the said State of New-York, did, by a resolution made and passed and entered on their journals on the ninth day of May last past, resolved that the above bound David Currie be and thereby was appointed commissary for supplying the troops of this State with such articles not allowed them by the Commissary-General, as they may stand in need of; that the said commissary purchase the said articles, and vend them to the troops at such price as will pay the prime costs and charges thereon: AND WHEREAS this Council of Safety have this day advanced to the said David Currie the said sum of three thousand pounds, to enable him to carry the said resolution into execution:

"Now therefore the condition of the above obligation is such, that if the above bound David Currie shall and do well and faithfully apply the said sum of three thousand pounds, and such further sums as may, by the said Council of Safety, or the Legislature of this State, be advanced to him for the purpose in the said resolution of Convention mentioned, and well and truly account to the Treasurer of the said State of New-York, for all such sums as aforesaid, and repay the same into the said treasury when thereunto required, then the above obligation to be void, otherwise to remain in full force and virtue.

"DAVID CURRIE, [L. S.]

[L. S.]

"CORNELIUS SEABRING, [L. S.]

"Sealed and delivered by DAVID CURRIE and CORNELIUS SEABRING, in the presence of us,

"PETER CANTINE, Junr.

"JOHN MCKESSON."

Ordered, That the said bond be sent to Samuel Loudon at Fishkill, to see the same executed by Archibald Currie, and that when so executed and returned, it be filed with the Treasurer.

Resolved and Ordered, That the Treasurer of this State advance to Mr. David Currie, as commissary appointed by the late Convention, on the ninth day of May last, for the

supplying the Continental troops raised in this State, the sum of three thousand pounds, to enable him to supply the troops of this State with such articles not allowed them by the Commissary-General, as they may stand in need of, and that he take his receipt for the same.

DIE MARTIS, *4th ho. P. M. June* 3, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *President.*

Major Tappen, Major Van Zandt, Mr. Harpur, Colo. De Witt, Mr. Yates, Mr. Cantine, Mr. R. R. Livingston, Mr. Jay, Mr. Platt.

Ordered, That Hendrick Klum, of the manor of Livingston, who is confined on board one of the vessels at Esopus Landing, on his taking the oath of allegiance to this State, be discharged.

Ordered, That Mr. Sheriff Dumond direct him to be brought to the Secretary's office for that purpose.

A letter from Isaac Paris, Esquire, dated Stone Arabia, May the twenty-seventh, 1777, informing, that agreeably to the order of the Council, he hath administered to the sheriff of Tryon county the oath of office, as prescribed in the ordinance for organizing the government of this State, was read and filed.

DIE MERCURII, 10 HO. A. M.

June 4, 1777.

The Council met pursuant to adjournment.

Prayers.

PRESENT—Colonel Van Cortlandt, *President.*

Mr. Platt, Major Van Zandt, Major Tappen, Mr. Yates, Genl. Scott, Colo. De Witt, Mr. Harper, Mr. R. R. Livingston, Mr. Jay.

WHEREAS the resolutions of the late Convention of this State, passed the third day of April last, for exempting from all drafts from the militia in this State any person who should procure at his own expense an able bodied man to enlist for three years, or during the war in either of the five Continental regiments raising in this State and commanded by the Colonels Van Schaick, Van Cortlandt, Gansevoort, Duboys and Henry B. Livingston, expired on the first day of June instant.

Resolved, That the said resolutions be and they hereby are revived, and to continue in force until the first day of July next.

Ordered, That the aforegoing resolution be published, and that copies be immediately transmitted to the Generals McDougall and George Clinton.

Resolved, That Caspar Landtman, of the manor of Livingston, who is confined on board one of the vessels at Esopus Landing, on his taking the oath of allegiance, be discharged, and that Mr. Sheriff Dumond, cause him to be brought to the Secretary's office for that purpose.

Resolved, That Zephaniah Platt and Christopher Tappen be a committee to devise ways and means, and to employ some person or persons to provide provisions for the crews of the two armed sloops commanded by the Captains Benson and Castle; as also the prisoners confined on board the vessels at Esopus Landing; and that Mr. Platt and Mr. Tappen, or either of them, be empowered to draw out of the treasury of this State any sums not exceeding in the whole two hundred pounds for the purpose aforesaid.

The Council being informed that Frederick Jay and Ezra Thompson, who were by a resolution of the Convention, passed the eighth day of May last, appointed commissioners in the county of Dutchess, "to take the general superintendence and care of all such poor inhabitants as have, by the hand of tyranny and injustice, been driven from their habitations and deprived of their subsistence, and thereby rendered unable to support themselves and families," declined executing the business committed to them by the said resolutions.

Resolved, That Messrs. Abraham Schenk and Gideon Vervelen be and they are hereby appointed commissioners in the stead of the said Frederick Jay and Ezra Thompson, for executing the said resolutions in the county of Dutchess; and that they be each of them allowed the sum of forty pounds per annum for their trouble and expense therein in lieu of any other compensation.

DIE JOVIS, 10 HO. A. M.

June 5, 1777.

The Council met pursuant to adjournment.

Prayers, &c,

PRESENT—Pierre Van Cortlandt, Esq. *President.*

Mr. Jay, Genl. Scott, Mr. R. R. Livingston, Mr. Harper, Mr. Yates, Mr. Gilbt. Livingston, Colo. De Witt, Mr. Platt, Major Van Zandt, Mr. Hobart.

A letter from William Duer, Esqr. was received and read; therein was enclosed accounts of the disbursements of a committee of Convention, employed in Westchester county, for procuring forage for the use of the Continental army, and follows to wit:

"SIR—I send by Mr. Carter an account of cash received and disbursed by the committee of Convention whilst in Westchester county; likewise a book in which is entered an account of the different brigades of teams employed for the purpose of removing families and forage. Unless great care is taken in settling accounts with the teamsters, the public will be much imposed on; and this care can only be taken by persons who were acquainted with the transaction of business in the county of Westchester. Mr. Tomkins, one of the Representatives of the county of Westchester, is in my opinion the person best calculated to settle these accounts in such a manner as to do justice both to the individuals and to the public, as he is perfectly acquainted with the merits and services of the different claimants.

"Genl. Schuyler expecting to leave this place from day to day for these twelve days, has induced me to defer sending you these papers; but as I think it is very uncertain whether he will leave this town in five or six days, I have thought it advisable to send them by Mr. Carter, by whom I flatter myself they will arrive safe.

"I should not have carried these papers with me, but as I had not time to arrange my affairs after my return from Westchester to Esopus, I found it necessary to take them with me, and intended to have sent them properly stated by my clerk, whom I ordered to follow me to Philadelphia: this he neglected, so that I am obliged now to send them in a crude state; but Mr. Tompkins will be able to settle them in a proper manner.

"I am, sir, with the greatest respect,
"Your obedt. hble. servt.
"WM. DUER.

"*Philadelphia, May* 20*th*, 1777.
"To the President of the Convention, or
Council of Safety of the State of New-York."

The account which was enclosed in the letter from William Duer, Esqr. follows in the words, to wit:

"*Cash received on account of the State.*

DR.		£	s.	d.
	Cash received of Mr. Landon, 72 dollars, ...	28	16	0
	Cash received of Mr. Charles Duryee, on account of Seaman & Lawrence, who have fled to or joined the enemy, ...	93	15	4
1777. March 17,	Cash received at sundry times, on vendue account, held from time to time, as mentioned in account of sales,.....	2,269	11	3
		2,392	16	0

CR. 1777.	New-York.	£	s.	d.
Feby.	15, By cash paid Mr. Tompkins for moneys by him expended in public service,	2	0	0
"	16, By cash paid James Hunt for horse keeping by him paid,	1	6	0
"	16, By cash paid Colo. Benjn. Birdall, for moneys paid for expenses in keeping public property,	4	0	0
"	16, By cash paid Colo. Birdsall, in part, for services,	20	0	0
"	19, By cash paid Daniel Horton for apprehending Major Livingston,	1	8	4
"	22, By cash paid John Hubbard for services in guarding cattle,	2	8	0
"	27, By cash paid Samuel Hicock for his account in apprehending and conveying from eastward to Harrison's purchase John Lobdell,	26	1	0
"	27, By cash paid one James Rogers, a deserter from Rogers, &c.	0	8	0
"	28, By cash paid Mr. N. Sackett for moneys advanced for secret services,	37	4	0
March	1, By cash paid John Woolsey, on account, as assistant commissary,	40	0	0
"	1, By cash paid Peter Lyons for impressing teams for foraging,	0	15	0
"	1, By cash paid Benajah Tubbs on account, as per receipt,	8	0	0
"	1, By cash paid Azor Barnum, conductor, on acct.	4	0	0
"	1, By cash paid Ephraim Barnum, conductor, on account,	6	0	0
"	1, By cash paid Willm. Fennell, a deserter from Rogers', for subsistence money,	1	4	0
"	2, By cash paid Hester Obriant for one-third value of stock for her mother,	4	6	8
"	3, By cash paid Lieut. Colo. Van Rensselaer, as a premium for his soldiers,	200	0	0
"	4, By cash paid Captn. Hunter for 4 hogsheads of rum, purchased for use of State,	566	8	0
"	4, By cash paid Captn. Gage for going express to Colo. Hammon, and from thence towards Fort Independence,	1	6	8
"	8, By cash paid Jonathan Holmes, on account of conveying Nathl. Underhill and others, prisoners, to Peekskill,	3	4	0
"	8, By cash paid Benoni Platt for appraising cattle,	0	8	0
"	8, By cash paid James Cunningham for taking care of cattle,	1	4	0
"	8, By cash paid Jacob Hunt for moneys laid out in purchase of boards for arm chests,	1	14	8
"	8, By cash paid David Hunt for moneys paid by him for shoeing horse in service,	0	5	4
"	8, By cash paid Jacob Hunt for moneys paid by him for driving cattle,	1	12	0
"	8, By cash paid Mariam Baker for a cow taken from her mother, Mrs. E. Fowler,	6	0	0
"	8, By cash paid Wm. Mead for seizing the effects of Lawrence & Seaman,	3	2	10
"	8, By cash paid Major Fish for taking lighthorse, according to promise,	16	0	0
"	8, By cash paid for expenses of Mrs. Grant, (by him paid,) while conveying her within the enemy's lines, by flag,	1	6	8
"	8, By cash paid Stephen Field, for Sarah Field, for services of her horse, and damages done horse, in going express,	10	0	0
"	8, By cash paid Thos. Cole, for services as teamster,	3	12	0
"	8, By cash paid Asse Belding for services as teamster,	7	4	0
"	8, By cash paid Jon. Boyd for services as conductor	10	8	0
"	8, By cash paid Edmund Bramhill, do	11	4	0
"	8, By cash paid Thos. Smith, do	6	0	0
"	8, By cash paid Stephen Wheeler, do	0	15	0
"	8, By cash paid Abm. Wheeler, do	60	0	0
"	17, By cash paid Jacob Hunt for money disbursed for putting up arms,	0	8	0
"	18, By cash paid John Hunt for the purpose of conveying arms to Peekskill,	6	0	0
"	18, By cash paid 2 deserters, James Brown and Wm. Lancaster, from Rogers', for two bayonets 1 cartridge box,	1	4	0
"	18, By cash paid 2 deserters, as a present,	0	16	0
"	18, By cash paid Wm. Davis, who was wounded at White Plains,	5	0	0
"	18, By cash paid Robert Betts, on account, for secret services,	12	0	0
"	18, By cash paid James Archer for taking care of State cattle and going express to Genl. McDougall,	5	18	0
"	18, Cash paid James Hunt for going express to Genl. Washington, and for hiring horse in going same,	7	18	0
"	18, Cash paid John White for taking care of State cattle, as per receipt,	3	17	4
"	18, Cash paid Thos. Vail for board of Colo. Duer and others, as per receipt,	2	9	8
"	20, Cash paid Samuel Neely for services in repairing arms,	1	4	0
	Carried forward,			
	Brought forward,	£	s.	d.
"	20, Cash paid Robert Merrill for making arm chest,	1	7	0
"	21, Cash paid Francis Peamert for conveying goods of Mrs. Lockhart to Convention,	7	9	8
"	21, Cash paid John Cromwell for board of committee, and others, under their direction, as per account delivered,	52	13	4
"	21, By cash paid Mr. Tompkins for one riding chair, bought at vendue, and by him returned to owner, being a friend,	12	10	0
"	21, By cash paid Captn. Johnson for one barrel saddlery, belonging to him, which was sold at vendue to Wm. Martine,	8	12	0
"	24, By cash paid Wm. Jeffreys for repairing arms, as per receipt,	60	0	0
"	24, By cash paid Jas. Hunt, on account, as per rect.	20	0	0
"	24, By cash paid Richd. Hatfd. for money disbursed for himself and 2 Hunts from Harrison's purchase to Poughkeepsie,	2	19	9
"	24, By cash paid Robert Betts by Mr. Duer's verbal order,	6	0	0
"	24, By cash paid Jacob Hunt, in part, of services performed by him as vendue master and superintendent for the committee of Convention,	20	0	0
"	24, By cash lent Mr. Duer at sundry times, as per his receipt,	429	6	0
"	21, By cash paid David Hunt, on account, for services performed for the committee of Convention,	20	0	0
"	21, By cash paid John Cromwell for 1 pair hand cuffs and ½lb nails,	0	19	0
"	25, By cash paid Richard Hatfield, for services as secretary to the committee of Convention, as per receipt,	31	4	0
"	25, By cash paid Mr. Pooly for reckoning of Mr. Duer and others, under his direction, at Poughkeepsie,	1	10	10
"	25, By the amount of sundry sums returned to persons whose property were sold at vendue, and appeared to be friends, &c.	55	16	0
"	25, By cash remaining in hands of Richd. Hatfd. and paid Mr. Duer, as per receipt,	598	3	10
		2,392	16	0

Ordered, That the said accounts be copied by the Secretaries and sent to Jonathan G. Tompkins, Esqr. now employed in settling the accounts of forage and cartage in that county.

Mr. Platt has leave of absence for ten days. Genl. Scott and Mr. Jay leave of absence for the same time.

A letter from John Broome relative to salt, was read and filed.

A letter from Henry Wisner, Esquire, enclosing the oath of office and allegiance by him administered to Jesse Woodhull, sheriff of Orange county, was read and filed.

Ordered, That the Treasurer and Auditor-General of this State, prepare and make out the accounts of this State against the United States, down to the first day of March last.

The committee to whom was referred the application of Captain Rogers of the armed sloop Montgomerie, belonging to this State, delivered in their report, which was read, and thereupon

Resolved, That the sum of one thousand pounds be advanced to Captain Rogers, to enable him to pay the wages of the crew of the armed sloop Montgomerie, and to reimburse him sundry sums of money by him advanced for the said vessel.

That Captain Rogers render his accounts relative to the said vessel of war and of the expenditure of the money advanced to him, as soon as may be, to this Council of Safety or a future Legislature of this State, that a final settlement may be made relative thereto.

That Lieutenant-Colo. John Broom be requested and directed to see that the officers and crew of the said vessel are immediately discharged, and to sell or cause to be sold, the vessel of war, the Montgomerie, with her stores, to the best advantage for this State; and that as soon as the crew is discharged, he appoint some proper person to take the care and charge of the said vessel until she is sold.

A letter from John Canfield, Esqr. containing an invoice of goods purchased by order of the late committee for procuring clothing for the Continental troops raised in this State, was received and read.

Ordered, That the said letter and invoice be referred, and delivered to Mr. Robert Harper.

Ordered, That the former order of this Council desiring the attendance of Ebenezer Dayton, then in Connecticut, be expunged from the minutes.

DIE JOVIS, 4 *ho. P. M. June* 5, 1777.

The Council of Safety met.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Genl. Scott, Mr. Yates, Colo. De Witt, Mr. G. Livingston, Judge Hobart, Mr. Harper, Judge Jay, Judge Platt, Mr. Livingston, Mr. Cuyler, Mr. Van Zandt.

A letter from Genl. Putnam, dated the 4th inst. was received and read, and is as follows, to wit:

"*Peekskill, 4th June.*

"GENTLEMEN—The armies are still inactive except in preparations for the ensuing campaign; our expectations of an attack in some quarter are daily corroborated by intelligence through different channels. We are distressed for the ships and gallies to guard the river. Genl. Washington expects they are now at the chain. A single galley of the enemy is constantly cruising up and down the river at pleasure, has been as far as Fort Independence, and can stop the ferry at any time; we have nothing on water that can oppose her. The crew land, and plunder the inhabitants for more than 50 miles, without molestation. I have desired Genl. Clinton to write you on this subject, and beg leave to enforce the urgency of it in the strongest manner.

"I am, gentlemen, with the utmost respect,
"Your most obt. hum. servt.
"ISRAEL PUTNAM."

Ordered, That the said letter be referred, and delivered to Mr. Robert R. Livingston and Judge Hobart.

Application was made to the Council of Safety by Mr. Tucker, one of the assistant quarter-master-generals of the army of the United American States, for a guard to take care of a quantity of salt for the use of the Continental army now landed at Kingston wharf.

Ordered, That Captain Schoonmaker do immediately send a guard of a corporal and six men, to guard the said salt.

A letter from Peter Van Ness, Cornelius Cuyler and Harmanus Wendell, dated at Albany, on the thirtieth day of May last, declining their appointments by the resolutions of the sixth day of March last, was received, read, and is as follows, to wit:

"*Albany, May 30th*, 1777.

"SIR—The Convention of this State, by a resolution bearing date the 6th day of March last, appointed us commissioners to seize the personal estates of such persons, within this county, who were gone over and joined our enemies, and to dispose thereof, as by the said resolution particularly prescribed. The confused and distracted state of this county since the passing the said resolution has often required the service of two of us in the militia offices to which we were heretofore appointed, and thereby deprived us, in a great measure, from the opportunity of consulting upon the business pointed out to us by the said resolution. We have lately met and considered its importance and necessity, and that in a county of such extensive limits, we are sensible, notwithstanding the greatest circumspection and care, that we could not faithfully execute the trust reposed in us by the resolution. We find ourselves, therefore, under the necessity of declining the service, and beg that you will acquaint the Honourable Council of Safety therewith. We have acquainted the county committee of our intention, who, we make no doubt, will recommend persons who will readily accept the appointment, and faithfully discharge the trust; to effect which, we humbly suggest to you, whether it would not be advisable to appoint 9 or 10 persons, to be divided in different boards, and to assign to each board a part of the county. The advantage of such a regulation, we conceive is evident.

"We are with respect, sir,
"Your most obedt. and most humble servts.
"PETER VAN NESS,
"CORNELIUS CUYLER,
"HARS. WENDELL.

"To PIERRE VAN CORTLANDT, Esqr."

Ordered, That the said letter be referred to Mr. Abraham Yates and Mr. Cuyler.

Mr. Jay informed the Council of Safety that Mr. Cuyler informs that a court martial is now sitting at Albany, and that John Savage was late an inhabitant of that county and ought properly to be tried there. Thereupon,

On motion of Mr. Cuyler,

Ordered, That John Savage, now a prisoner at Kingston, be sent to Albany under a guard; and that the direction and management of sending the said John Savage to Albany be committed to Mr. Cuyler.

General Scott brought in a resolution with recitals, for devising a mode to carry into execution the resolution of this Council, of the twenty-ninth of May, to grant the prayer of the petition of Colonel Levy Pawling and others. The same was read, and is in the words following, vizt:

"WHEREAS Levy Pawling, Esquire, and divers other field officers, being freeholders and inhabitants of this State, did lately petition this Council in behalf of themselves and others, now in garrison at Fort Montgomerie, setting forth, in substance, that the petitioners being out in the service in defence of the country, and having understood that elections, at different places, are to be held shortly, for choosing a Governor, Lieutenant-Governor, Senators and Assembly, and praying that commissioners might be appointed to receive the votes of the petitioners, and such other persons belonging to their respective regiments at that post as are entitled to vote: AND WHEREAS none of the said electors can, while they continue on the aforesaid garrison duty, attend at the several places of election, fixed in the several counties wherein the said electors respectively are usually resident, without exposing the said fort and its outworks to a surprise by the enemy: AND WHEREAS this Council, moved by the said petition, and conceiving it just to give the freeholders and other inhabitants of this State, forming a part of the said garrison, who are qualified respectively as electors for the ensuing election of a Governor, Lieutenant-Governor, Senators and Representatives in Assembly, an opportunity of exercising their respective rights as electors at the said election, the benefit of which they would lose if some special provision should not be made in their behalf, did on the day of resolve to grant the prayer of the said petition: AND WHEREAS it would be highly improper to authorize the holding of an election in a place of arms:

Resolved, therefore, That be and they hereby are authorized and empowered jointly to superintend at the election, and take the votes of the electors who shall form a part of the said garrison, on the sixteenth day of this month of June, at any place within the county of Orange which they, the said superintendents and returning officers, shall think proper to appoint for that purpose, not farther distant from the said fort than two miles, nor within one mile of the same; that Brigadier-General George Clinton, or any other the commanding officer of the said fort, be and is hereby requested to permit the said electors to attend the said election, unarmed and in such different parties and number successively, during the said election, as he shall judge most prudent and consistent with the safety and security of the said fort and its outworks. And that the said superintendents and returning officers should make distinct poll lists of such election, according to the respective usual places of abode of the electors, and return the same to the respective sheriffs of

the several counties within whose bailiwick such electors have their usual residence respectively, who shall respectively, on oath of office, transmit and return the same in the manner, as by an ordinance of the Convention of the State of New-York for organizing and establishing the government, agreed to by the said Convention, is directed respecting the election of a Governor, Lieutenant-Governor, Senators and Representatives in Assembly."

Debates arose thereon. Mr. Jay then moved, and was seconded by Mr. Robt. R. Livingston, that after the words "part of the said garrison," the words "or which may be stationed at Fort Constitution," be added.

Debates arose thereon. After some time spent therein, Mr. Hobart gave notice that to-morrow he will move to reconsider the resolution for granting the prayer of the petition of Levi Pawling and others.

Resolved, That until such time as the Legislature shall otherwise provide, the supreme court sit at Kingston, in Ulster county, and that the terms thereof be as they were throughout the year of our Lord one thousand seven hundred and seventy-four; and that all the inferior court of common pleas and general sessions of the peace have the same terms and places of sitting as they had throughout the said year, except that the inferior court of common pleas and general sessions of the peace for the county of Westchester be held at such place in the said county, as the judges of the said court shall appoint.

Resolved, That all writs and processes which shall be issued from the supreme court and inferior courts of common pleas, prior to their respective terms now next ensuing, be tested on the second day of June instant.

Resolved and Ordered, That Samuel Bayard, Junior, Esquire, deliver the seal of the supreme court to this Council of Safety.

Adjourned to 9 o'clock to-morrow.

DIE VENERIS, 9 HO. A. M.

June 6, 1777.

The Council met pursuant to adjournment.

Opened with prayer.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Genl. Scott, Major Tappen, Mr. Hobart, Mr. Harper, Mr. Platt, Colo. De Witt, Mr. Abm. Yates, Mr. Cuyler, Mr. Gilbt. Livingston, Mr. Jay, Mr. Robt. R. Livingston.

Mr. Robert R. Livingston reported the draft of a letter to General Putnam, in answer to his of the fourth instant, relative to the Continental ships and row galleys, which was read and approved, and is in the words following, to wit:

"SIR—The Council have desired me, in answer to yours of the fourth instant, to inform you that the late Convention were sensible of the importance of equipping the Continental ships in Hudson's river, and repeatedly wrote to Congress and applied to His Excellency the General, on that subject. Had the means been in their hands, they would, without waiting any further directions, have employed them for that purpose. But such is the situation of this State, from the loss of its seaport and the dispersion of its inhabitants, that it would be utterly impossible to procure seamen enough to man a single galley, or if even they could be obtained, the want of cannon and many other stores would be an insuperable obstacle to the fitting out the ships. Many of the cannon that belong to or could be purchased in this State, have been lost or transported out of this State. We were obliged to borrow a few from the State of Connecticut for the forts in the Highlands.

"The Council understood from Major-General Greene's letter, that His Excellency the General, would provide means for arming and manning the ships, and accordingly sent them down at his request. It gives them great pain to find from your favour, that any thing should be expected from this State, which their unfortunate situation puts it out of their power to procure.

"They beg leave to suggest to you whether the most speedy and effectual means for equipping the ships would not be to obtain men and guns from one of the neighbouring States, or from the ships that are blocked up at Providence and are like to be useless for some time. Marines might be furnished out of the Continental troops.

"As, sir, you seem sensible of the importance of this business, the Council rely upon your endeavours to see it accomplished; in doing which, they will give you all the assistance which the slender means in their power enable them to afford.

"As the Council are informed that the post at Peekskill is now strongly guarded, they flatter themselves that scouting parties in the county of Westchester will prevent any future depredations of the enemy, and deprive them of all supplies from that county.

"I am, sir, &c.

"Major-Genl. Putnam."

Ordered, That a copy be signed by the President, and transmitted.

A letter from Dennis Kennedy, relative to some effects of Peter Corney, which the commisssioners of sequestration in Westchester county were directed to deliver him, was read and filed.

Ordered, That the Secretaries take Mr. Kennedy's examination on oath.

Mr. Hobart, according to notice, moved, and was seconded by Mr. Jay, that the resolution of the Council on the twenty-ninth day of May last, on the prayer of the petition of Levi Pawling and others, be reconsidered. The same was agreed to.

The Council accordingly proceeded to the reconsideration thereof.

Mr. Jay, seconded by Mr. Livingston, moved as an amendment to General Scott's motion, made and carried in the affirmative on the twenty-ninth day of May last, that the following answer be given to the said petition, to wit:

WHEREAS the late Convention of this State did, prior to their dissolution, pass and publish an ordinance for organizing and establishing the government agreed to by the said Convention, and, among other things in the said ordinance contained, did ascertain and appoint the manner in which, and the particular places at which, the elections therein mentioned should be held,

1st. *Resolved*, That it would be highly improper for this Council to direct that the elections aforesaid should be held in any other manner, or at any other place or places than those which the said Convention did in and by the said ordinance nominate and prescribe.

2nd. *Resolved*, That if commissioners should be appointed to take the votes of the garrison at Fort Montgomrie, justice and equity dictate that commissioners should also be appointed to take the votes of such Continental troops and militia as might have a right to vote at Fort Constitution, Peekskill, Fort Stanwix, Ticonderoga, and divers other posts and garrisons throughout this State, which, in the opinion of this Council, would be impracticable and a measure too important in its consequences to be adopted by this Council.

3rd. *Resolved*, That it be recommended to the commanding officers at the several posts and garrisons throughout this State, that they permit such of the militia at their respective posts and garrisons who have a right to vote, to go to the next place of elections to give their vote; provided nevertheless that the same shall, in the opinion of such commanding officers, be perfectly consistent with the safety of the said posts and garrisons respectively.

The first resolution being again read and the question put thereon, it was carried in the affirmative, as follows, to wit:

For the affirmative.	*For the negative.*
Mr. Tappen,	Genl. Scott,
Mr. Hobart,	Mr. Harpur,
Mr. Platt,	Major Van Zandt.
Colo. De Witt,	
Mr. Yates,	
Mr. Cuyler,	
Mr. G. Livingston,	
Mr. Jay,	
Mr. R. R. Livingston.	

The second paragraph or resolution was read, and the question was put on such part of the said paragraph or resolution as is contained from the beginning thereof to the word "State," and was agreed to *nem. con.*

The question was then put on the following words immediately succeeding the word "State," to wit, "which in the opinion of this Council would be impracticable," and was carried in the affirmative, as follows, to wit:

For the affirmative.	*For the negative.*
Major Tappen,	Genl. Scott.
Mr. Hobart,	
Mr. Platt,	
Colo. De Witt,	
Mr. Yates,	
Mr. Cuyler,	
Mr. G. Livingston,	
Major Van Zandt,	
Mr. Harpur,	
Mr. Jay,	
Mr. R. R. Livingston.	

The question was then put on the remaining words of the said resolution, to wit: "And a measure too important in its consequences to be adopted by this Council;" and carried in the affirmative in the manner following, to wit:

For the affirmative.	*For the negative.*
Mr. Tappen,	Genl. Scott,
Mr. Hobart,	Major Van Zandt.
Mr. Platt,	
Colo. De Witt,	
Mr. Yates,	
Mr. Cuyler,	
Mr. G. Livingston,	
Mr. Jay,	
Mr. R. R. Livingston,	
Mr. Harpur.	

The question was then put on the whole of the said resolution and carried in the affirmative, *nem. con.;* Genl. Scott and Major Van Zandt having previously withdrawn themselves.

The third or last resolution being read and the question put thereon, was carried in the affirmative, *nem. con.* Genl. Scott and Mr. Van Zandt were returned previous to this question being put, and voted.

The preamble to the said resolution being read and the question put thereon, was carried in the affirmative, *nem. con.;* Genl. Scott and Mr. Van Zandt being again withdrawn previous to this question being put.

Genl. Scott and Mr. Van Zandt being returned, the general question on the whole of the preamble and resolutions was put and carried in the affirmative, *nem. con.*

Ordered, That a copy of the said resolutions be transmitted to the said petitioners, and that copies of the third or last resolution be transmitted to the Generals Schuyler, McDougall and George Clinton.

DIE VENERIS, 4 *ho. P. M. June* 6, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *President.*

Colo. De Witt, Mr. Harpur, Mr. Yates, Major Tappen, Mr. R. R. Livingston, Mr. Hobart, Mr. Gilbt. Livingston, Major Van Zandt, Mr. Cuyler, Genl. Scott.

A certificate, signed by James Van D. Bergh, major of militia in Dutchess county, that Thomas Tobias, a delinquent described in the ordinance of the Convention of this State, of the tenth day of May last, appeared before him and took the oath prescribed by the said ordinance.

Ordered, That the President issue a pardon to the said Thomas Tobias.

Mr. Harpur, seconded by Genl. Scott, moved that the Secretary write to the commissioners for detecting conspiracies at Poughkeepsie, that this Council may be informed whether Bartholomew Crannel, Richard Snediker and the Reverend John Beardslee, who have lately been with the enemy, are returned to Poughkeepsie, as is reported here; and if they are, whether they have taken the benefit of the act of grace. Question being put, it was agreed to.

Colo. De Witt, seconded by Genl. Scott, moved that the doors of this Council be opened.

Debates arose, and the question being put thereon, it was carried in the negative as follows, to wit:

For the negative.	*For the affirmative.*
Mr. Harpur,	Genl. Scott,
Mr. Yates,	Colo. De Witt.
Major Tappen,	
Mr. R. R. Livingston,	
Mr. Hobart,	
Mr. Gilbt. Livingston,	[Major Van Zandt is absent
Mr. Cuyler.	on the business of the House.]

A letter from the Honourable Phil. Livingston and William Duer, Esqr. at Congress, dated the 31st May, enclosing a resolution of Congress, of the 23rd May, were read, and are in the words following, vizt:

"*Philada. 31st May,* 1777.

"SIR—We transmit you the resolution of Congress, of 23rd May, 1777, relative to the manning and fitting out two galleys for the defence of the North river. We wish that Mr. Morris who was desired by Convention to write on this subject, had transmitted his letter to the board of war through us, as we then should have been able (in all probability) to have obtained a resolution for fitting those gallies at the Continental expense. For want of previous information, the resolution enclosed was passed without that attention which might otherwise have been paid to it.

"We by no means are of opinion that there is any similarity betwixt the State of New-York and other States who have fitted out vessels of this nature.

"The use of these vessels in Hudson's river is chiefly to protect the chain near the forts in the Highlands, and by that means keep up the communication betwixt the southern and eastern States. In other States they have been built for the purpose of protecting their own harbours and towns. The purpose, therefore, for which the vessels on Hudson's river are intended, being Continental, the expense ought, in our opinion, to be the same.

"If the Council of Safety should be of the same opinion with us, and write to Congress on this subject, we shall procure a reconsideration of this resolution, and exert ourselves to make the fitting and manning these vessels a Continental charge. In the mean time, we think it will be for the interest and safety of the State to exert themselves in equipping and manning these vessels with the utmost despatch.

"We are directed by Mr. Lewis to inform you that the accounts of the sloop Montgomery will be forwarded in two or three days, together with the share of prize money due to the captors.

"We are, sir, with great respect,

"Your obedt. hble. servts.

"PHIL. LIVINGSTON,

"WM. DUER.

"To the Honble. PIERRE VAN CORTLANDT, President of the Council of Safety of the State of New-York.

"*P. S.* Capt. Cook having no money to carry him out of town, we have furnished him with a loan of seventy dollars, for which we enclose you his receipt."

The resolution referred to in the above mentioned letter, was then read, and is as follows, to wit:

"IN CONGRESS, *May* 23, 1777.

"The marine committee to whom the letters from Genl. McDougall and Gouvr. Morris, respecting the manning and fitting two galleys for the defence of the North river were referred, report, that they have taken the said letters into consideration, and are of opinion that such galleys as may be necessary for the defence of the said river, ought to be

equipped and their operations directed by the State of New-York; for they find this kind of defence is undertaken by all the other States, where it is found necessary.

"*Resolved*, That the Delegates of the State of New-York be desired to inform the Convention of that State, that the above report of the marine committee is accepted and adopted as the sense of Congress on this subject.

"Extract from the minutes.

"CHAS. THOMSON, *Secy.*"

Ordered, That the said letter and resolution be referred to Mr. Robt. R. Livingston, and that the said receipt be filed with the Treasurer, and he charge Captain Cook with the said seventy dollars, and give Mr. Duer credit for the same.

A letter from Stephen Kinnie, chairman of the committee of Claverack, accompanying Barent Weger, Asa Landfear, Gideon Gilford, Samuel Leonard and David Southward, who being suspected and thought dangerous to the liberties of America, and who refused to take the oath of allegiance to this State, were sent under a guard to this Council, was read and filed.

Ordered, That the disposition of those persons be referred to the commissioners for superintending the vessels for the reception of such persons at Esopus Landing.

Ordered, That the Treasurer of this State pay to Lieut. Cornelius Hogeboom the sum of eight pounds seventeen shillings and four pence, for the pay and expenses of himself and his guard, in conveying to this place Barent Weger, Asa Landfear, Gideon Gilford, Samuel Leonard and David Southward, by order of the committee of Claverack, and take his receipt for the same.

Ordered, That the expenses be paid by the said prisoners before they be discharged.

Ordered, That the Treasurer of this State pay unto Captain Theodorus Brett, the sum of twenty-seven pounds twelve shillings and eight pence, in full for his account for service and expenses, in going express from Fishkill to Congress, at Baltimore, with despatches from Major-General Schuyler, in December last, which said despatches were sent down from Albany by the General, with a request that they be forwarded by a trusty express. Also, the further sum of seventy-six pounds five shillings and two pence, for his services, pay and disbursements in conveying Major Edmeston, (a prisoner of war,) from Kingston to the Honourable Congress at Philadelphia, by order of the late Convention of this State, at General Washington's request. The said two accounts to be charged to the United States of America.

The Secretary according to order delivered in the affidavit of Dennis Kennedy, relative to Colonel Samuel Drake, which was read, and is in the words following, to wit:

"Dennis Kennedy, of Westchester county, being duly sworn, deposeth and saith, that last Saturday morning he, this deponent, waited on Colonel Saml. Drake, one of the commissioners for sequestration in the said county, and delivered to him a letter written by Abm. Yates, Junr. and Zephaniah Platt, Esqrs. by order of the Council of Safety, and directed to the said Saml. Drake, and Israel Honeywell, and James Hunt, commisssioners for sequestration in the said county; that the said Colo. Saml. Drake, on receiving the said letter, retired into a room for a little while; that on his coming out again, he asked the deponent what things he claimed or demanded; that the deponent answered, those things of Mr. Peter Corne's, which were by the said commissioners seized and sold at vendue; that the said Colo. Drake replied, that he, the deponent, had no right to claim any of the things of Mr. Corne; that the deponent then left the said Colo. Drake, as they were going to dinner; that in the afternoon of the same day, the deponent again met with Colo. Drake at Genl. Putnam's quarters, and asked him whether he intended to send any answer to the said letter; that Colo. Drake answered, that he thought that he had done his duty, and did not care two coppers about it; and further this deponent saith not.

"DENS. KENNEDY.

"Sworn to, this 6th of June, 1777, before me.

"ROBT. BENSON."

Ordered, That a copy of the aforegoing affidavit be transmitted to Colo. Saml. Drake, and that he be directed to inform this Council of his reasons for not complying with the requisitions contained in the letter sent to him by Mr. Kennedy, by order of this Council.

DIE SABBATI, 10 HO. A. M.

June 7, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

PRESENT—Colonel Van Cortlandt, *President*.

Mr. Hobart, Mr. Harpur, Major Tappen, Mr. Cuyler, Col. De Witt, Mr. Cantine, Mr. Gilbt. Livingston, Major Van Zandt, Mr. Jay, Mr. Yates, Mr. R. R. Livingston, Genl. Scott.

A letter from Colonel Robt. Livingston, directed to Mr. Anthony Rutgers, relative to a gun making at his forge, of bar iron, under the direction of Captain Rutgers, and by order of the late Convention, was read and filed. Mr. Livingston therein requests 6lb. powder may be supplied to Mr. William Orr, for the purpose of proving the said cannon.

Ordered, That the chairman of the committee of Kingston, be requested to direct the delivery of 6lb. of the gunpowder belonging to the State to Mr. William Orr, and take his receipt for the same.

Ordered, That Mr. Cantine, Major Van Zandt and Mr. Gilbert Livingston, taking to their assistance Major Ten Broeck, be empowered to examine and discharge such of the prisoners as are confined on board the vessels at Esopus Landing, and are distinguished in a list from those who are thought very dangerous, by taking hostages, or otherwise.

Mr. Livingston, to whom was referred the letter from the Honble. Philip Livingston and William Duer, Esqr. dated at Congress, May the thirty-first, enclosing resolutions of Congress, passed twenty-third day of May, relative to equipping and manning the row galleys in Hudson's river. And also a receipt for seventy dollars advanced by Mr. Duer, to Captain Cook, on account of this State, brought in his report, which was read and approved.

Resolved, That the Honourable the Congress, have from the commencement of the war with Great Britain, considered the security of Hudson's river as an object of the utmost importance to the safety of America: and thereupon, ordered at the Continental expense the erecting of fortifications thereon, and by various resolutions empowered the Commander-in-Chief, and the late Convention of this State, to obstruct the navigation thereof, and to build vessels of war for its security.

Resolved, That it appears to this Council from the representations of the Honourable Major-General Putnam, of the fourth instant, that it is necessary for the defence of the river that the Continental galleys now in Hudson river be fitted and manned; and that the general cause of America may not suffer by any delay in manning the same.

Resolved, That Captain Cook, who is commander of the Lady Washington galley, by appointment from His Excellency General Washington, be requested to cause the said galleys to be properly manned and fitted for service, and that this Council will advance the money necessary for that purpose.

Resolved, That the above resolution only extends to any expense that may in future accrue in fitting out and man-

ning the said galleys, and shall continue in force until the last day of November next, unless the General Congress shall previously take order about the same; and that all warrants for money drawn by Captain Cook, be signed by Brigadier-General George Clinton.

Resolved, That the Honourable Major-General Putnam be requested to afford every assistance to Captain Cook, in procuring men for the said galleys; it being out of the power of this State to obtain any for the purpose.

The Council being informed that William Smith and Patterson, Esquires, are attending in town, pursuant to the order of the 3rd instant,

Ordered, That the Secretary wait on Mr. Smith and request his attendance in Council.

Mr. Smith attending, was by order asked the following questions from the Chair, to wit:

"Whether he considers himself a subject of the independent State of New-York?"

He desires that what follows may be accepted as his answer:

"That he does not conceive himself discharged from his oaths of fidelity to the Crown of Great Britain. He refers to his letter of the 4th of July last, in answer to the summons of a committee of the Honourable Congress, for an elucidation of his political sentiments. He has strictly conformed to his parol in that letter, nor will infringe it. He then conceived that a separation from Great Britain could not be contended for with safety to the rights, liberties and privileges of this country; and from a deep concern for the Colonies, he prays God that peace may be restored by a happy, safe and generous reconciliation."

Mr. Patterson on being asked whether he considers himself a subject of the independant State of New-York, he desired to know in what character he stood before the Council.

On his being informed, that as an officer of the British establishment, he was looked upon in a suspicious point of light, Mr. Patterson answered, "That he does not consider himself a subject of the independent State of New-York; that he looks upon himself as a subject of the King of Great Britain; that he holds no military office; but holds two, one pecuniary and one honorary office under the King of Great Britain; that he has and means to observe a strict neutrality."

Messrs. Smith and Patterson were informed that the Council will consider their cases respectively in the afternoon; and in the mean time they were directed to attend in Kingston, until they receive the further direction of this Council.

Adjourned to the afternoon.

Die Sabbati, 4 *ho. P. M. June* 7, 1777.

The Council met pursuant to adjournment.

Present—Pierre Van Cortlandt, Esqr. *President*.

Mr. Hobart, Mr. Abr. Yates, Mr. R. Harpur, Colo. De Witt, Mr. Gilbert Livingston, Genl. Scott, Major Tappen, Mr. Cuyler, Major Van Zandt, Mr. Jay.

A letter from General George Clinton, dated the fifth instant, relative to the Continental frigates in Hudson's river and the State privateers, was received and read.

Ordered, That it be committed to Mr. Hobart, Mr. Jacob Cuyler and Mr. Gilbert Livingston, to report thereon.

The Council of Safety took into consideration the case of William Smith and John Patterson, Esqrs.

The minutes of this morning, and the declaration of those gentlemen, were respectively read and considered; and thereupon,

Resolved, That the said William Smith and John Patterson be confined within the manor of Livingston on their parol of honour, to abide there till the further order of this Council or the future executive power of this State; and in the mean time, neither directly or indirectly, by words or deeds, to oppose or contravene the measures of the United States of America or either of them, for supporting their independence in opposition to the King and Parliament of Great Britain, or for supporting the present constitution or government of this State.

Ordered, That the President take their parols, which were accordingly taken, by them respectively subscribed, and follow, to wit:

"*State of New-York, ss.*—I, William Smith, Esquire, do hereby pledge my parol of honour, to abide within the manor of Livingston until the further order of the Council of Safety or the future executive power of this State; and in the mean time, that I will neither directly nor indirectly, by word or deed, oppose or contravene the measures of the United States of America, or either of them, for supporting their independence in opposition to the King and Parliament of Great Britain, or for supporting the present constitution or government of the said State.

"WM. SMITH.

"*Kingston, June 7th*, 1777."

"*State of New-York, ss.*—I, John Patterson, Esquire, do hereby pledge my parol of honour, to abide within the manor of Livingston until the further order of the Council of Safety or the future executive power of this State; and in the mean time, that I will neither directly nor indirectly, by word or deed, oppose or contravene the measures of the United States of America, or either of them, for supporting their independence in opposition to the King and Parliament of Great Britain, or for supporting the present constitution or government of the said State.

"JOHN PATTERSON.

"*Kingston, June* 7, 1777."

Proposals of Peter R. Livingston, Esquire, for purchasing and bringing into this State a quantity of salt, was read, and follows, vizt:

"*Kingston, 7th June*, 1777.

"The Proposals of Peter R. Livingston, for bringing into this State a quantity of salt for the use of the inhabitants of said State.

"1. That the sum of four thousand pounds be put into his hands for the above purpose, on his giving his receipt for the faithful expenditure of the same.

"2. That the above £4,000 be laid out in the eastern States, in salt, on the best terms in his power.

"3. That the above salt be brought into the State, and disposed of in small quantities, by the said Peter R. Livingston, adding to the first cost the charges of transportation and his expenses of going and coming, so as to meet the said sum of four thousand pounds, which said sum to be replaced into the Treasury by the said Livingston, as soon as the sales are closed.

"PETER R. LIVINGSTON.

"To the Honourable the
Council of Safety."

Resolved, That the sum of four thousand pounds be put into the hands of Peter R. Livingston, for the purpose of bringing salt into this State for the use of the inhabitants thereof, on his giving his receipt for the faithful expenditure thereof.

Resolved, That the said four thousand pounds be by the said Peter R. Livingston laid out in salt in the eastern States, on the best terms in his power.

Resolved, That such salt be brought into this State and stored at such safe places therein as the said Peter R. Livingston shall direct; that he thereupon transmit to the Council of Safety or the future Legislature of this State, an account of the prime costs of the said salt, his expenses in procuring, and the charges of transporting the same, to the end that proper regulations for the sale and distribution thereof may be made.

Ordered, That Mr. Hobart be, and is hereby appointed to confer with Doctor Townshend, relative to the making of salt for the use of the inhabitants of this State.

Adjourned till Monday morning, 9 o'clock.

DIE SOLIS, 9 HO. A. M.

June 9, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

PRESENT—Pierre Van Cortlandt, Esqr. *President.*

Major Tappen, Mr. Yates, Mr. Harpur, Mr Hobart, Mr. Gilbt. Livington, Mr. Cuyler, Major Van Zandt.

For the want of another member, adjourned till this afternoon.

DIE SOLIS, 4 *ho. A. M. June* 9, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *President.*

Major Tappen, Mr. Yates, Mr. Harpur, Mr. Hobart, Mr. Gilbt. Livingston, Mr. Cuyler, Major Van Zandt, Mr. Cantine.

The memorial of Doctor Platt Townsend, a subject of this State, but now resident in the State of Connecticut, setting forth that he is a native of Queens county, within this State, and had been a resident in the city of New-York for some years, and fled from the same to the State of Connecticut, on the approach of the enemy; that he has a situation very convenient for making salt from sea water, and being inclined to make the same for the use of the inhabitants of this State, but fearing the embargo in the State of Connecticut may prevent the inhabitants of this State from receiving any salt there prepared, he therefore prays the interposition of this Council with the government of the State of Connecticut, that he may be allowed, as a refugee from New-York, to erect works in Connecticut for making salt to be transported into the State of New-York, was read and taken into consideration: and thereupon,

Resolved, That the prayer of the said memorial be granted.

Ordered, That Mr. Hobart draft and report a letter on the subject to the government of Connecticut.

WHEREAS William Smith and John Patterson, Esquires, are, by a resolution of this board of the seventh instant, confined within the manor of Livingston: AND WHEREAS doubts have arisen whether, by the said resolution, it was intended that those gentlemen should not be permitted to go into and pass through the east camp,

Resolved, That it is not intended by the said resolution to restrict the said William Smith and John Patterson, Esquires, from going into and passing through the east camp at their pleasure. And further

Resolved, That the said William Smith and John Patterson, Esquires, be and they are hereby permitted to go to Red Hook, in Rhinebeck precinct, for the purpose of attending divine service, under the restrictions contained in the parols of those gentlemen respectively.

On reading the petition of John Mufed, James Beggs and Isaac Lockwood, confined in jail,

Ordered, That Mr. Sheriff Dumond be directed to cause necessary provisions to be provided for the said persons during their confinement.

A letter from Colonel Jacob Hornbeck, dated Rochester, June the eighth, sent by Johannes Oosterhoudt and Nicholas, an Indian, and enclosing the copy of a talk made by the said committee to the Indians, and the examination of the said Oosterhout and the Indian, on their return from the Indian country, were read and filed.

Ordered, That Major Tappen write to Colonel Hornbeck, informing him that the examination by him transmitted, is full and sufficent. And

Ordered, That Major Tappen pay to Johannes Oosterhoudt, and Nicholas, the Indian, for their expense and trouble in coming to this Council, the sum of forty shillings; and that the Treasurer of this State repay Major Tappen the said sum out of the treasury.

Adjourned till to-morrow morning 10 o'clock.

DIE LUNÆ, 10 HO. A. M.

June 10, 1777.

The Council of Safety met pursuant to adjournment.

Prayers as usual.

PRESENT—Pierre Van Cortlandt, Esqr. *President.*

Mr. Hobart, Colo. De Witt, Mr. Cuyler, Major Tappen, Major Van Zandt, Mr. Yates, Mr. R. R. Livingston, Mr. Gilbt. Livingston.

A letter from Hugh Hughes, deputy quarter-master-general, dated the eighth instant, requesting a supply of duck or old sails, for the public service, was read and filed.

A draft of an answer to the said letter was read and approved, and is in the words following, to wit:

"SIR—The Council have directed me to inform you that they have no old sails or duck in store, so that it is out of their power to supply you. As the frequent requisitions from the army have already stripped the subjects of this State of almost every article of this kind, and their want of a seaport, as well as the restrictions imposed by the neighbouring States, prevents their receiving further supplies, the Council must decline giving so general a power to Mr. Dobbs as you request, which, indeed, they should at all times think imprudent, except in cases of the most urgent necessity.

"I am, sir, &c.

"To Colo. HUGHES."

Ordered, That a copy be signed by the President, and delivered to Mr. Dobbs.

Mr. Sands, the Auditor-General, delivered in a note, in the words following, to wit:

"*May 10th,* 1777.

"SIR—Please to deliver unto the bearer hereof, Capt. Moses Cantine, the sum of three hundred pounds, for the use of the commissioners, &c. In whose behalf,

"I am, sir, your hble. servt.

"PETER CANTINE, Junr.

One of the Commissrs.

"COMFORT SANDS, Esqr."

The same being read,

Ordered, That the Treasurer of this State advance to Peter Cantine, Esquire, one of the commissioners for detecting conspiracies, &c. the sum of three hundred pounds for the use of the said commissioners.

Mr. Sands, the Auditor-General, came into Council and requested their directions relative to the auditing Saml. Ogden, Esquire's, account, for hempseed, by him purchased on account of this State, by order of the late Convention; that from Mr. Ogden's account it appears that he hath purchased five hundred and forty bushels of that article, and transported the same to New-Windsor; that Mr. Ogden produces vouchers of the persons of whom he hath purchased the same, and receipts from the teamsters, who conveyed the same to New-Windsor, but that he has only receipts for the delivery of a part of the same at New-Windsor.

Ordered, That Mr. Sands do audit Mr. Ogden's account, and that he accept of the vouchers above mentioned as sufficient, notwithstanding the forty bushels over and above the directions to Mr. Ogden, given by the Convention.

A letter from General George Clinton of the fifth instant, and which was committed on the seventh instant, was again read, and is in the words following, to wit:

"*Fort Montgomerie, 5th June,* 1777.

"SIR—I was desired by Genl. Putnam, two days ago, to write to the Honourable the Council of Safety of this State, to request they would use every means in their power to forward the Continental frigates down to this post. He likewise desired me to mention that as very considerable additional works, (at the public expense,) were directed to be made for the more effectual obstruction of the navigation of the river at this place, in which this State is so much interested, it is expected that the two State pri-

vateers will be sent down to the chain, with the other vessels, to which I presume there can be no objection, as at this place they may be of great service, and I can't see that they can be of any at any other on the river, especially since the shipping are out of the creek, and will be armed for their own defence.

"I should be glad to be informed if the committee of arrangements continue to appoint officers to supply vacancies in the five State regiments, as well because I understand there are already many in some of them, as that it is a contingency we may frequently expect, and the service injured if not speedily supplied. I expect my present brigade major will soon be ordered to join the regiment, to which His Excellency the General has appointed him. I mean, then, to make an offer of that berth to Capt. Lush, paymaster to Colo. Duboys's regiment; in which case, however, I would esteem it a singular favour if Capt. Townsend, a worthy officer of my brigade last year, might succeed him in his present office, for which, as he served a time to merchandise, I think him very capable, and I have no doubt but it would be agreeable to the regiment. He has merit, not only as a good officer, but in sacrificing his livelihood in the cause, and he is now out of all kind of business.

"I am, with much respect,
"Your most obedt. servt.
"GEO. CLINTON.

"To the Honourable President
of the Council of Safety.

"*P. S.* I forgot to mention that John Conkling, Esqr. of Haverstraw, a recruiting captain in the enemy's service, his first lieutenant of the same surname, a sergeant and one private, were sent to this post last Wednesday, by my brother. His enlisting paper was found with him, (to which there were twenty odd names subscribed,) a permission to pass and repass the outposts from Genl. Howe, and a protection from Lord Cornwallis, all dated in November last. I have ordered these villains to Peekskill, in irons, to be tried for treason. My brother writes me that a small scouting party had just returned from Bergen woods, where they had taken two wagons on their return from New-York, where they had been to market. The men escaped who were in the wagons, but left some women in them."

Mr. Hobart, to whom was committed the letter from General George Clinton, dated the fifth instant, reported a draft of a letter in answer thereto, which was read and approved, and is as follows, to wit:

"SIR—The Council have desired me to inform you in answer to your favour of the fifth instant, that they have exerted themselves to their utmost to forward the Continental frigates, but as the State is without cannon and seamen it is impossible that their exertions can answer the purpose; the ships are now at Poughkeepsie, and will, I hope, soon be rigged, which is the utmost we shall be able to do towards completing them. We have informed General Putnam of our destitute condition, and from the information received from General Greene, trust he will fall upon some means to procure guns and seamen for them, that they may be used in the defence of the river. One of our privateer sloops is employed to guard the State prisoners on board the vessels in the river, the other is now at Albany: as soon as she returns she shall be sent down to the chain, where she can be of but little service unless men can be procured for her there.

"The committee of arrangement conceive that their power expired with the late Convention, but the Council will proceed to fill up such vacancies as may happen in the five regiments, till the meeting of the Legislature, and will always pay a particular attention to your recommendations. Whenever the paymastership of Colonel Duboys's regiment shall become vacant, a commission shall be filled up for Captain Townsend.

"I have the honour to be, with great respect,
"Your most obedt.

"General GEORGE CLINTON."

Ordered, That a copy thereof be engrossed, and signed by the President, and transmitted.

Mr. Hobart, according to order, reported the draft of a letter to Governor Trumbull, on the subject of Doctor Townsend's memorial to make salt in Connecticut for the inhabitants of this State; the same was read and approved and is as follows, vizt:

"SIR—An application has been made to the Council of Safety of this State by Doctor Platt Townsend, requesting their interposition with the government of Connecticut that he might be allowed to erect salt works there and transport the salt into this State for sale.

"The Council made not the least hesitation to comply with Doctor Townsend's request, as the inhabitants of this State are suffering to a very great degree for that necessary article, being shut up from the ocean by the common enemy, and in a great measure deprived of any benefit from it by the embargo laid in the eastern States, their distresses will become insupportable, unless speedy measures be taken for their relief; the board has therefore directed me to write to your Excellency upon the subject, and to request not only that Doctor Townsend may be allowed to erect his works, but that a general indulgence may be granted to all such as may incline to erect salt works for the purpose of supplying the inhabitants of this State. As it is impossible that our sister States should have entertained the most distant inclination of assisting the common enemy to distress this State, the board is firmly persuaded that this just and necessary requisition will be cheerfully complied with.

"The late Convention wrote to you on the subject, which I presume must have." [Remainder missing.]

Ordered, That a copy thereof be engrossed and signed by the President, and transmitted.

Resolved, That Henry Cuyler, Esqr. of the county of Albany, who is sent to this place by the committee of the said county as an officer in the pay of the King of Britain, and dangerous to the liberties of America, be confined to the town of Hurley, and that Colo. De Witt and Mr. Gilbt. Livingston be a committee to provide quarters for, and take a parol of him, similar to those given by William Smith and John Patterson, Esquires.

Ordered, That Christian Cooper, Johannes Cooper and Peter Cooper, of the manor Livingston, be ordered to attend this board on Friday next, and that Capt. Jacob Bowers do serve them with this order.

Adjourned till to-morrow morning 10 o'clock.

DIE MERCURII, 10 HO. A. M.

June 11, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esq. *President*.
Major Van Zandt, Major Tappen, Mr. Harpur, Mr. Yates, Mr. R. R. Livingston, Mr. Gilbt. Livingston, Mr. Cuyler.

For want of another member, adjourned till to-morrow morning 10 o'clock.

DIE JOVIS, 10 HO. A. M.

June 12, 1777.

The Council met pursuant to adjournment.

PRESENT—Mr. Robt. R. Livingston, Mr. Tappen, Mr. Harpur, Major Van Zandt, Mr. Yates, Mr. Cuyler, Mr. Gilbt. Livingston, Mr. Hobart.

The President being prevented from crossing the river by reason of bad weather,

Adjourned till to-morrow morning.

DIE VENERIS, 10 HO. A. M.

June 13, 1777.

The Council met pursuant to adjournment.

Opened with prayer.

PRESENT—Pierre Van Cortlandt, Esqr. *President.*

Mr. Abr. Yates, Mr. Hobart, Colo. De Witt, Mr. Gilbt. Livingston, Major Tappen, Major Van Zandt, Mr. Cuyler, Mr. Morris.

Ordered, That Nathaniel Sackett, Esquire, deliver to Colonel Lasher, as commissary appointed by the Convention of this State to take charge of the military stores thereof, all the public military stores which were in his custody, and take a receipt for the same; that Mr. Sackett exhibit and deliver all his accounts and vouchers relative to the said stores, to the Auditor-General, to be audited, that they may be filed in the Treasurer's office.

Ordered, That the Secretary deliver to Mr. Nathaniel Sackett, half a pound of purging salt, on receiving pay for the same.

Ordered, That the Secretary deliver to Doctor Thomas Jones two bottles of spirit of volatile salt, on Doctor Jones paying for the same.

A certificate of Ephraim Paine, Esqr. of Dutchess county, was read, in the words following, vizt:

"STATE OF NEW-YORK, }
Dutchess County. }

"This may certify, that on the 20th day of May, one thousand seven hundred and seventy-seven, Assa Walbridge personally appeared and voluntarily took the oath of allegiance to the State of New-York, prescribed by the Honourable the Convention of the said State, contained in their declaration or ordinance of the tenth of this present May, respecting the offering free pardon to those subjects of the said State as have gone over to the British troops, &c.

"Taken and sworn the day and year }
above written, before me. }
"EPHRAIM PAINE, *Justice of the Peace.*"

Ordered, That the President issue a pardon to the said Assa Walbridge.

Adjourned till 4 o'clock, P. M.

DIE VENERIS, 4 *ho. P. M. June* 13, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *President.*

Mr. Yates, Mr. Cantine, Mr. Harpur, Mr. Morris. Major Tappen, Mr. Gil. Livingston, Mr. Cuyler, Colonel De Witt, Mr. Hobart.

A return, dated the eighth day of March last, signed Elihu Marvin, chairman of Cornwall precinct, was read. He thereby certifies that Barnabas Horton was unanimously chosen ensign in Captain Thomas Horton's company, in Jesse Woodhull's regiment, and requesting a commission.

Ordered, That it lie on the table, as the meeting of the Legislature is near at hand, and it is expected the militia will, by the Legislature, be new modelled.

A petition of Coenradt Ring and Jeremiah Tater, two prisoners in Ulster jail, praying a discharge, was read, and ordered to lie on the table.

A petition of Thomas Haddon, dated the eleventh instant, praying his discharge, was read, and ordered to lie on the table.

The petition of Samuel Freligh, a prisoner in Kingston jail, dated this day, acknowledging his crime, and praying pardon, was read, and ordered to lie on the table.

A petition of Joseph Penny, a prisoner in Kingston jail, praying a discharge, was read, and referred to Messrs. Gilbert Livingston and Van Zandt, to inquire thereon.

A petition of John Kortz, Junr. a prisoner in Ulster county jail, praying leave to go home on a furlough, was read. The Council were informed that Kortz is a very wicked conspirator against this State. Ordered to lie on the table.

A petition of Gideon Gifford and eleven others, complaining of the jail keeper, was read, and ordered to be referred to Egbert Dumond, Esqr. high sheriff, to direct thereon what may be right.

A petition of John Savage, dated the eleventh instant, praying the benefit of the act of grace, was read, and ordered to lie on the table.

A petition of Elnathan Foster, dated this day, was read. He therein sets forth that his money is nearly expended; that boarding is very expensive here, and therefore prays leave to go to reside at his sister's, at the New-Paltz.

Ordered, That the prayer of the petition be granted; that Egbert Dumond, Esqr. sheriff, take his parol to remain in her family, to be a prisoner on that farm, and not go out of the limits thereof; and to return a prisoner to Kingston on the first notice or order from the said sheriff for that purpose.

A petition of Jan Freer, praying to be discharged from jail, on bail or parol, was read, and ordered to lie on the table.

A petition of Jacob Powers and others, requesting a discharge of sundry persons, was read, and ordered to lie on the table, but at the request of Mr. Gilbert Livingston, delivered to him.

An account of James Van Brackle, the jail keeper, for maintaining sundry prisoners therein named, in jail, amounting to fifteen pounds fifteen shillings, was read.

Ordered, That the said account be committed to Egbert Dumond, Esqr. high sheriff of Ulster county; that the said sheriff take to his assistance such reputable person or persons in Kingston as he may think proper, and fix a regulation which may be proper for maintaining indigent prisoners, and report the same to this Council.

A letter from Lynde Lord, dated at Litchfield the twenty-seventh of May last, was read. He therein mentions that he had, in November last, informed Convention by letter that Israel and Isaac Youngs had escaped and left about eighty pounds in his hands, and praying some order or direction thereon, and mentioning Mr. David Buel's account for maintaining prisoners.

David Buel's account, amounting to sixty-three pounds, ten shillings and eight pence, was exhibited for payment.

Ordered, That the said letter be committed to Mr. Hobart and Colonel De Witt.

A letter from Gilbert Forbes, confined in Litchfield jail, dated the twenty-seventh day of May, and praying a removal or relaxation of his confinement, was read, and committed to Mr. Yates and Mr. Gilbert Livingston, to whom the case of Gilbert Forbes, on the application of Philander Forbes, was formerly committed.

The Council were informed that John Cooper and Petrus Cooper, two of the persons from the manor of Livingston, who, by an order of this Board of the tenth instant, were directed to attend this Board on this day, are now attending at the door. And a certificate of a certain Jacobson, who calls himself a physician, was exhibited and read, certifying that Christian Cooper has three wounds in his arm and a wound fever.

Ordered, That Mr. Cantine and Mr. Gilbert Livingston be a committee to take the depositions of the said John Cooper and Petrus Cooper, and report them to this Council.

A letter from Colonel John Lawrence, dated at Morris Town, the twenty-sixth day of May last, relative to money in the hands of Thomas Kenny, which arose from the sale of effects which did belong to Hamilton Young, now with the enemy, was read.

Ordered, That it be committed to Mr. Morris and Major Tappen.

On motion of Mr. Morris,

Ordered, That the resolution of the Convention passed

on the day of last, be again published in the newspaper, and that the public be, by an advertisement in the newspaper, informed that the proper time for sowing of hemp is from the first to the twentieth of July.

Resolved and Ordered, That Major Tappen be and is hereby authorized and empowered to purchase and procure to be brought to Kingston, one ton of nails and nail rods, from New-Jersey, for the use of this State.

A letter from Genl. McDougall, dated at Peekskill, on the ninth of June, was read.

The proceedings of the said court martial therein mentioned, on the case of John Likely and Anthony Umans, were respectively read, and remain for further consideration.

The journal of the officer sent out by General McDougall for discovery, was also read.

Ordered, That the officer commanding Captain Frederick Schoonmaker's company, do furnish to the sheriff of Ulster county a guard not exceeding five men.

A memorial of Henry Cuyler, commissary of stores and provisions to his Britannic Majesty, was also read. He therein recites a determination of this Council that he be not permitted to return to his family at Greenbush, and prays that he be permitted to reside in the north part of the county of Dutchess, in the neighbourhood of Harman Hoffman.

Resolved, That the prayer of the said memorial be granted; Mr. Gilbt. Livingston dissenting. That when Mr. Cuyler has mentioned to this Council the place of his residence, the limits of his confinement will be fixed.

A letter from John Henry, commissary of clothing, dated the 8th June instant, was read, and is as follows:

"*Fishkill, 8th June*, 1777.

"Dear Sir—This day saw John Canfield, Esqr. at which time he informed me that he had furnished the Council of Safety with the invoice of the goods purchased by Mr. Hoskins for this State; also, that that gentleman had forwarded them to his place. Should you think it advisable to have them sent this way, Mr. Canfield says he can either send them to Ryhnbeck or to Poughkeepsie, which will be a much nearer land carriage than from Sharon to this place; and as there is a ready conveyance by water from either of those places, I think it will do best to let them come by the way of the latter. Mr. Hoskins's letter is now before me, wherein he has given an abstract of the invoice, the particulars of which you are made acquainted with ere this.

"The friezes, narrow linens, dowlas and stockings we want immediately. I am sorry the buckskin breeches have not been sent down, agreeably to my expectations; there is, I may say, frequent application for them; indeed, the soldiers complain very much that they cannot get their clothing after so many applications; and as the breeches are in store at Kingston, I have pledged my word from day to day, and am still disappointed.

"It would oblige me much if your House would give orders to send them down by the first opportunity. I also applied for more cash, which I am flattering myself will come in season.

"I am, dear sirs, very respectfully,

"Your most obt. hble. servt.

"JOHN HENRY."

On motion of Mr. Morris,

Resolved and Ordered, That Mr. John Henry, commissary, &c. remove with the stores of clothing belonging to this State to Kingston, in Ulster county.

Adjourned until to-morrow morning, 10 o'clock.

DIE SABBATI, 10 HO. A. M.

June 14, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

Present—Pierre Van Cortlandt, Esqr. *President*.

Mr. Yates, Major Tappen, Mr. Cantine, Mr. Cuyler, Major Van Zandt, Mr. Hobart, Mr. Morris, Mr. Gilbt. Livingston, Mr. Harpur, Colonel De Witt.

A petition of Abraham Burghardt, dated this day, and praying to be discharged from his confinement in the jail of Kingston, and for leave to return home.

Ordered, To lie on the table.

Major Van Zandt informed the Council that the family of Mr. Jacobus Low are very uneasy on account of the public gunpowder now lodged in his house.

Mr. Morris moved, and was seconded by Major Tappen, that Colonel Lasher be directed to call on the corporation of Kingston, and with their aid, to fix on a proper place to erect a public magazine for the stores of this State, and to have such magazine erected.

Debates arose thereon.

On motion of Mr. Yates, seconded by Colonel De Witt,

Ordered, That the question on Mr. Morris's motion be postponed for consideration.

Resolved and Ordered, That Colonel Lasher be and is hereby directed to confer with the trustees of Kingston to fix on a proper place to erect a temporary magazine for gunpowder and other military stores. And that he proceed to have such magazine erected, with timber and boards.

A letter from Abraham P. Lott, Esquire, dated at Boston, on the first day of June instant, relative to his purchasing salt, was received and read. He advises that a letter be wrote by this Council of Safety to the new Council elected at Boston, requesting their aid to procure salt.

Ordered, That the said letter be committed to Mr. Yates, Mr. Van Zandt and Mr. Hobart.

A letter from the committee of Albany, signed by John Barclay, Esqr. chairman, dated the thirteenth instant, was received and read. The said letter enclosed a list of fifteen prisoners, too dangerous and troublesome to be confined in Albany jail, and therefore sent to Kingston; copies of two insolent letters sent to the committee of Albany, one from Alexander Robertson, the other from Jonathan Owan, William Lewis, William Pemberton and Hugh Anderson; and a list of the names of ten gentlemen by them recommended as commissioners to dispose of the property of persons gone to the enemy.

Ordered, That the said letter, as far forth as relates to the appointment of commissioners, be referred to Mr. Yates and Mr. Cuyler.

Ordered, That William Pemberton, Jonathan Owens, Hugh Anderson, Samuel Hannah, William Lewis, Philip Brooks and Lieut. Angus McDougall be immediately sent up to Kingston and confined in Kingston jail. And,

Ordered, That John Van Allen, John S. Van Alstyne, David Wederwax, Jacob Wederwax, Andries Diver, Christian Fisher and Barnard Sipperly be sent on board of one of the vessels which constitutes the fleet prison; the said prisoners to be confined in jail separate from other prisoners, if it can be done.

Ordered, That Silas Duel be, and is hereby, permitted to go to Egbert Benson, Esquire, in Dutchess county, to take the direction of the commissioners for detecting conspiracies, &c. concerning his farther confinement.

Resolved, That David Currie, commissary for supplying the Continental troops raised in this State, with such articles as are not furnished to them by the Commissary-General, be directed not to sell any clothing to the troops without an order in writing from the captain of the company to which they respectively belong.

A draft of a letter to the President of Congress, and a draft of a letter to the Delegates of this State at Congress, were respectively read and committed to Mr. Hobart and Mr. Morris, to reconsider and report thereon.

The letter from Brigadier-General McDougall of the ninth instant, and which was received on the thirteenth instant, was again read, and follows in the words following, to wit:

"*Peekskill, June* 9, 1777.

"SIR—I have just time, by the return of your express, to enclose you the sentence of a general court martial against John Likely, and others, and part of the journal of my recruiting officer, whose time of service, and the other witness, has expired. The court martial was dissolved agreeably to their request. The witnesses being gone home, nothing more has been been done with Likely's accomplices. If the Council of Safety should think proper to proceed against them, the witnesses may be got from Connecticut, if the county will defray their expenses. Williams is not executed, but still confined, awaiting your orders. Time will only permit me to add that,

"I am, sir,
"Your very humble servant,
"ALEXR. McDOUGALL."

Mr. Morris reported a draft of a letter to General McDougall, in answer to his letter of the ninth, which was read, and again read by paragraphs, amended and approved of, and is in the words following, vizt:

"SIR—The Council of Safety have received your favour of the ninth instant, with the minutes of your court martial. Neither of the sentences are confirmed, for the most evident reasons, because neither of them are according to law; for the crimes of which the prisoners were accused, and found guilty, are punishable with death, and not by a number of stripes. The Council approve of your dissolution of the court martial, but at the same time direct me to request that you would keep all the prisoners, as well those who have been tried as their accomplices, in safe custody, until by the laws of the land, and the judgment of their peers, they may be regularly condemned or acquitted.

"I have the honour to be, &c.

"To General McDOUGALL."

Ordered, That a copy thereof be engrossed, and signed by the President, and transmitted.

The letter from Lynde Lord, dated 27th of May, together with Buell's account against prisoners confined in Connecticut, and which were committed, was again read, and is as follows, to wit:

"*Litchfield, May* 27, 1777.

"GENTLEMEN—You may remember that some time last Novr. I wrote you an account of Israel and Isaac Youngs's escape from this place, and likewise of about £80 New-York money being left in my hands, which I suppose is forfeited to your Convention, or State; and at the same time desired some directions how to dispose of said money. Since which have never had any directions about the matter, and as the money still remains in my hands, hope you will give some orders how I may dispose of the same. And as there is a considerable sum due on account of prisoners sent from your State to our jail, and the expense of old Guyer's sickness, while confined here, and the money chiefly due to persons who are unable to wait any longer for their money, hope you will empower some proper person to settle and close the accounts, as we have no prisoners confined here by your order except Gilbert Forbes. The bearer hereof, Mr. David Buell, (who has been the jailer from the time your prisoners were sent here, till within a few days,) will present his account for boarding, &c. which I can assure you is charged at the same rate per week as our State allows for our prisoners confined in the same prison.

"I hope, gentlemen, to have the pleasure of receiving by Mr. Buell some further directions about the matter.

"I am, gentlemen, with the greatest respect,
"Your most obt. humble servant,
"LYNDE LORD.

"To the Convention of the State of New-York."

The committee to whom was committed the said letter from Lynde Lord, Esqr. together with the account of David Buell, for the maintenance of prisoners in Litchfield jail, brought in their report, which was read. Thereupon,

Resolved, That the account is reasonable, and ought to be referred to the Auditor-General for payment, and that the money left by Israel and Isaac Youngs in the hands of Mr. Lord should be remitted to the Treasurer of this State, there to remain for the disposition of the Legislature.

DIE LUNÆ, 10 HO. A. M.

June 16, 1777.

The Committee met pursuant to adjournment.
Prayers as usual.

PRESENT—Mr. Abraham Yates, Major Tappen, Colo. De Witt, Mr. Cuyler, Mr. Robt. Harpur, Mr. Hobart, Mr. Gilbt. Livingston, Mr. Van Zandt, Mr. Morris.

The President being absent, Mr. Hobart was unanimously chosen President *pro tempore*.

A letter from Samuel Drake, Israel Honeywell, Junr. and James Hunt, commissioners for taking into custody the effects of disaffected persons in Westchester county, dated the tenth day of June instant, relative to the property formerly belonging to Peter Corney was read, and the Council were informed that Mr. Ward is attending in obedience to a former order of this Council.

Ordered, That the said letter be committed to Colo. De Witt and Mr. Cuyler, and those gentlemen be a committee to confer with Mr. Ward.

A certificate of Colonel John Frear, dated at Poughkeepsie the second of June instant, was read. He thereby certifies that Simon Le Roy, who has been to the enemy, has returned to his allegiance, has taken the oath of allegiance to the State of New-York, and faithfully promised to defend the same with his life and fortune.

Ordered, That the Secretary prepare, and the President *pro tempore* issue, a pardon to the said Simon Le Roy.

Ordered, That Mr. Cantine, Mr. Gilbert Livingston and Major Van Zandt, be a committee to examine the cases of the several prisoners in Ulster county jail and in the Fleet prison, and report the names of such of them as, in their opinion, may be liberated.

Adjourned till to-morrow morning, that the committees may have an opportunity.

DIE MARTIS, 10 HO. A. M.

June 17, 1777.

The Committee met pursuant to adjournment.
Prayers as usual.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Major Tappen, Mr. Harpur, Mr. Hobart, Colo. De Witt, Mr. Cuyler, Mr. Yates, Mr. Gil. Livingston, Mr. Jay, Mr. Cantine, Mr. Morris.

The petition of Jacobus Hardenburgh, of Hurley, dated at Hurley on the 17th instant, praying that Roeloff J. Elting may be removed from the Fleet prison to the house of the said Jacobus Hardenbergh, in Hurley, where he hoped the conduct of the said Roeloff may be conformable.

Ordered, That Mr. Cantine, Mr. Gilbt. Livingston and Mr. Van Zandt, the committee appointed yesterday to in-

quire into the state of the prisoners, or some of them, take the parol of the said Roeloff J. Elting, and that the prayer of the petition be granted.

The petition of Mary Hagator for the discharge of her husband, Christopher Hagator, and of Johannes Lyck and Benjamin Poucher, was read and referred to the above named committee.

A draft of a letter to the President of General Congress was read, amended and approved, and is in the words following, vizt:

"COUNCIL, &c. *June 17th.*

"SIR—We have received from the Delegates of this State the resolution of your Honourable House of the twenty-third of May last, requiring us to equip such galleys as may be necessary for the defence of Hudson's river, and to direct their operations. Congress having hitherto considered this matter in the light of a Continental charge, we are confident they cannot mean to cast the burden now upon this weak and mutilated State, and therefore are led to suppose that this resolution has not received that due weight of deliberation which usually accompanies every affair of importance.

"From the earliest commencement of the present war a line of distinction hath, by the justice of your Honourable Body, been drawn between New-York and her sister States. As the centre of America, and in the vicinity of Canada, this State, as well from the exposed situation of its capital as from the navigable river by which it is intersected, became of necessity the grand object of our foes. It was wisely foreseen that they would make the most strenuous exertions to possess themselves of it; and that their success, by obstructing the easy communication through this vast Continent, by opening to them the resources of a fertile and extensive region and by removing every obstruction to a free intercourse with the disaffected, would expose all the neighbouring States to reiterated depredations, subject the numerous tribes of savages to their entire control, and open a broad road to the subjection of America. From a full conviction of these truths, Congress have ordered several different works to be erected, and have empowered his Excellency the General and the late Convention of this State to construct fireships and other vessels at the expense of the Continent, for the defence of Hudson's river.

"Forts and vessels have been built, and many obstructions raised in consequence of their resolutions, and the better to forward the designs of your Honourable House in this and in other parts of America, all the cannon and other military stores of this State, to a very considerable amount, have been delivered to the officers of the Continent.

"It is therefore with great surprise, that we are informed of your requisition to fit out as many galleys as may be thought necessary for the defence of Hudson's river. For by the loss of our capital and sea coast, almost all our ship carpenters and other necessary mechanics, have sought employment in the neighbouring States, and those who remain have been lately sent to Lake George, where they now are in the Continental service. We have no cannon; and we can venture to assure Congress, that there are not twenty good seamen to be hired in that part of the State of New-York now in our possession.

"But were it in our power to comply with this requisition, there is a most evident impropriety in subjecting the direction of those galleys which are to cover the chain and keep open the communication between the works on the different sides of the river, to the executive power of this State; for vessels so employed are certainly to be considered as the necessary appendages of those works, or, indeed, as a part of them; and then, that they should be independent of the officers commanding at that post, is utterly inconsistent.

"For those reasons, sir, we hope Congress will excuse us for requesting the reconsideration of that resolution, and not by commands we are incapable of complying with, deprive us of the pleasure we enjoy in acknowledging the wisdom and justice of their measures by a ready and cheerful acquiescence. That the service may suffer as little as possible by this delay, we have passed the resolution which we do ourselves the honour to enclose; and, sir, if you reflect upon the great expense this State hath incurred by bounties paid to their militia, who have been called out whenever the weakness of the army required their assistance; by the suppression of insurrection and the apprehension and support of the disaffected, of whom, not less than five hundred are at this time in confinement; by the maintenance of the numerous poor from those parts of our State in possession of the enemy, and above all, by the enhanced price at which we obtain every necessary from the neighbouring States, it must be acknowledged that a parsimonious disposition hath no part in what we have offered, and that we have not only borne our full share of the burden, but shown such alacrity in taking it upon us, as must carry with it a conviction that we feel the utmost regret whenever we find ourselves so circumstanced as to be constrained to forbear complying with any requisitions from your Honourable House.

"I am, &c.

"To Hon. JOHN HANCOCK.

"*Resolved*, That Mr. Tompkin's and the other commissioners now in Westchester county discharging the public debts for forage supplied the army, pay all such sums as may be reasonably due to the persons employed by the committee of Convention in procuring forage for the army, the loss they have sustained in the public service and charge the same in account to the Continent.

"Extract from the minutes."

Ordered, That a copy of the said letter be engrossed, and signed by the President, and transmitted.

A draft of a letter to the Delegates of this State in Congress, was read and approved, and is in the words following, vizt:

"GENTLEMEN—The Council received yours of the thirty-first day of May, and have directed me to inform you that the enclosed, which is left open for your perusal, contains their exceptions against the resolve transmitted by you; they wish you to set this matter upon its proper footing, in order to prevent any altercations when our accounts for the defence of the river are to be settled. The Convention wrote last winter to their Delegates, requesting them to get some engagement by which the rangers would be made a Continental charge, those, particularly, on the frontiers; they were informed in answer thereto, that there was no doubt but that it would be done. However, as no resolution for that purpose has yet been transmitted, the Council beg you to get some settlement of this matter so that they may know how to make out those accounts.

"I am, gentlemen, with great respect, &c.

"To Honobl. PHILIP LIVINGSTON,
JAMES DUANE, and FRANCIS LEWIS."

Ordered, That a copy thereof be engrossed, and signed by the President, and transmitted.

The petition of Maryije Loup, dated the fourteenth instant, praying for the discharge of her husband, Martin Loup, from on board a sloop at the strand, was read and referred to Mr. Cantine, Mr. Gilbert Livingston and Mr. Van Zandt.

The petition of William Hartor, Junr. praying for the discharge of his brother Petrus Hartor, Junr. and the petition of Benjamin Darby, praying permission on his parol to visit his family, were respectively read and committed to the same committee.

A letter from Robert R. Livingston, on behalf of Jacob Funck, requesting the discharge of his son from on board the ship Montgomerie, was read; ordered to lie on the table.

A letter from Henry Livingston, Junr. and Theodorus Van Wyck, dated the fourteenth instant, requesting directions as to the effects of Thomas Fisher, was read, and committed to Mr. Platt and Mr. Gilbert Livingston.

A letter from Samuel Drake, Israel Honeywell, Junr. and James Hunt, commissioners, &c. dated at Bedford, the eleventh instant, relative to wine and other property now in Connecticut, which did belong to the widow of David V. Horne, and whom the commissioners suppose have gone over to the enemy, was read and filed, and committed to Mr. Hobart.

A letter from Jonathan G. Tompkins, dated the tenth instant, relative to stock in Westchester county, stolen for the use of the enemy, and sundry other matters, was read and committed to Mr. Morris and Mr. Jay to report thereon.

Resolved, That Mr. Tompkins and the other commissioners now in Westchester county, discharging the public debts for forage supplied the army, pay all such sums as may be reasonably due to the persons employed by the committee of Convention, on procuring forage for the army, the losses they have sustained in the public services, and charge the same on account to the Continent.

A letter from Henry Schenk, Esq. at Fishkill, dated the twelfth day of June, was read. He thereby informs that he has received from Abraham P. Lott, Esquire, twelve tierces of salt, containing seven and a half bushels each, purchased by order of the Convention for the use of the State, and requests directions respecting the same.

Ordered, That it be committed to Mr. Yates and Mr. Hobart.

WHEREAS the presence of Mr. Robert R. Livingston is necessary to give information relative to the prisoners in custody here. On motion of Mr. Jay,

Ordered, That Robert R. Livingston, Esqr. do attend the business of this Council of Safety without delay.

Gilbert Livingston, Esqr. suggesting that he is unwell, in danger of a great weakness and want of health without relaxation, obtained leave of absence until he shall recover his health.

Colo. De Witt and Mr. Cuyler, a committee, brought in their report on the petition of Dennis Kennedy, and the sundry papers relative thereto; the same being read, debates arose thereon, and thereupon it was recommitted to the same committee.

A letter from Cadwallader Colden, Esq. relative to provisions, was read and postponed till the afternoon.

DIE MARTIS, 4 *ho. P. M. June* 17, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Mr. Cantine, Mr. Hobart, Mr. Platt, Colo. De Witt, Genl. Scott, Mr. Harper, Mr. Yates, Mr. Jay, Mr. Cuyler.

Resolved, That Mr. Hobart, Mr. Jay, and Mr. Cuyler be, and hereby are appointed a committee to regulate the Fleet prison, and to appoint proper persons for that purpose.

Comfort Sands, Esqr. the Auditor-General, being admitted, requested the advice of the Council as to an account of Lieutenant Victor Bicker, as lieutenant of marines.

Ordered, That the Secretary search for the resolution appointing him, and papers relative thereto, and lay them before the Council to-morrow morning.

The Auditor-General informed the Council that sundry officers of regiment, called into service by General George Clinton, in pursuance of resolutions of the authority of this State, have charged for their pay from the day they were respectively notified of that service, and in most instances for ten days before the time that they respectively marched, and several days before they marched.

Ordered, That the Treasurer pay those officers only from the time they respectively marched, so that their pay may be proportionate to the pay of their men.

Mr. Yates has leave of absence, to depart on Thursday next if there should be a full Council at that time, to return in five days from the time of his departure.

A letter from General Ten Broeck, dated the sixteenth day of June, was read, and follows, to wit:

"*Albany*, 16*th June*, 1777.

"SIR—The proceedings of the court martial held at this place, (which is just now delivered to me,) I herewith transmit you. The president informs me the court stands adjourned until this day week, the members being very desirous to attend the election in their districts, which begins this day. He also informs me there are several persons in confinement, not tried, but cannot yet learn that any of them come within the description of the resolutions of Convention.

"I am, with great respect sir,
"Your most obt. humble servt.
"ABM. TEN BROECK.

"To the Honble. PIERRE VAN CORTLANDT, President of the Council of Safety of the State of New-York, at Kingston."

The whole proceeedings of the court martial held at the city of Albany, on the case of James Huetson, were deliberately read.

The whole proceedings of the said court martial held at the city of Albany, on the case of Robert Coventry, were then deliberately read.

Ordered, That the further consideration thereof be postponed till to-morrow.

A petition of Charles Duryee, dated this day, setting forth his losses by the conduct of Francis Pemart, and praying that possession may be given to him, the said Charles, of the farm of the said Pemart, at Peekskill, and a hulk of a sloop at Esopus Landing, as a compensation, and the affidavit of John Campbell, to support the facts mentioned in the said petition, were respectively read, and committed to General Scott, Mr. Harpur and Mr. Tappen.

Mr. Yates, from the committee to whom was referred the letter from Peter Van Ness, Cornelius Cuyler and Harmanus Wendal, brought in their report, which was read and agreed to, and is as follows, viz:

The committee to whom was referred the letter of Peter Van Ness, Cornelius Cuyler and Harmanus Wendell, commissioners appointed to secure the personal estates of such persons within the county of Albany who are gone over to and joined our enemy, and to dispose thereof agreeable to the several resolutions for that purpose, made the sixth day of March last, brought in their report. Thereupon,

Resolved, That Peter Van Ness, Cornelius Cuyler and Harmanus Wendell, who were appointed commissioners, have leave to resign; and that instead of three, (because the county is very extensive,) there be ten commissioners appointed, and their powers limited to different parts of the county, as hereinafter mentioned.

Resolved, That John Younglove, Gabriel Esseltyne, Isaac Goes, John Knickerbaker, Junr. George White, Matthew Adgate, Hezekiah Van Orden, Flores Bancker, Myndert Roseboam and George Palmer be appointed, and they hereby are appointed commissioners, in the room of Peter Van Ness, Cornelius Cuyler and Harmanus Wendell, who have resigned; and they are hereby vested with every power that other commissioners for sequestration within this State, by virtue of the resolutions of Convention for that purpose passed on the sixth day of March last, as well as the after resolutions passed the twenty-first of March, and the thirteenth May last past, provided they severally first take the oath thereby directed. Provided also, that Gabriel Esseltyne, Isaac Goes, Matthew Adgate and Hezekiah Van Orden, be restricted by the south limits of the county, on the east side of the river, within the bounds of manor Livingston, Claverack, Kinderhook and Kings district, and on the west side of the river from the south bounds to the bounds of manor Rensselaer, and that the power vested in them, be exercised by all or any three of them.

And that John Younglove, John Knickerbaker, Junr. and George Palmer be restricted to the north of manor Rensselaer, including the inhabitants to the north of the said manor and of Schenectady, and northerly as far as the limits of the county; and that they, or any two of them be authorized to exercise the said power.

And Myndert Roseboam, Flores Bancker and George White be restricted to the remainder of the said county, and that they, or any two of them, be empowered to act in the same manner.

Abell Sprauge, who was attending at the door, was admitted. He informed the Council of Safety that he had been credibly informed, by persons of reputation whom he named, that Joseph Brandt, with a number of Indians, had come to Onehoghquaga, and there hoisted the British flag; that he had proceeded to Unadella and killed some cattle, and plundered some of the whig inhabitants of their grain, and were returned to Onehoghquaga, and had said they were to return to Unadella speedily; that the inhabitants had removed from some parts of the Delaware.

The Council informed Abell Sprauge that General Schuyler has sent an officer, with troops, to protect the inhabitants.

Ordered, That the Treasurer of this State pay to the said Abell Sprauge eight dollars, to defray his expenses in coming to this Council and returning home.

A letter from John Bartow, Esqr. to Colo. Gilbt. Drake, dated the 12th instant was read; Mr. Bartow, for the reasons therein assigned, declines the office of clerk of Westchester county.

Ordered, That the said letter be referred to the Council of State, for the appointment of officers when they shall be appointed and assembled.

DIE MERCURII, 10 HO. A. M.

June 18, 1777.

The Council met pursuant to adjournment.

Prayers, as usual.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Mr. Yates, Mr. Tappen, Mr. Platt, Mr. Cantine, Mr. De Witt, Mr. Morris.

For want of a sufficient number of members to make a quorum, at 12 o'clock adjourned to meet at four P. M.

DIE MERCURII, 4 *ho. P. M. June* 18, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Mr. Abm. Yates, Mr. Morris, Mr. Gilbt. Livingston, Major Tappen, Mr. Platt, Mr. Hobart, Mr. Jay, Mr. Cantine, Colo. De Witt, Mr. Cuyler, Mr. Robt. Harpur.

A petition of Alexander Campbell, a prisoner in Ulster jail, dated this day, was read. He therein informs that his wife sold a horse with the intention to apply the money to support the prisoner; that the commissioners have since seized the said horse, and praying the direction of the Council in the premises.

Ordered, That the said petition be committed to Major Tappen, Mr. Cantine and Colo. De Witt.

Mr. Hobart reported a draft of an answer to the letter of the commissioners for the securing the property of persons gone from Westchester county to the enemy, which was read approved, and is in the words following, vizt:

"GENTLEMEN—The Council of Safety commend your zeal in securing the effects of those traitors to their country, who have gone over to the enemy, but at the same time must inform you that they conceive your power as commissioners does not extend beyond the boundaries of the county of Westchester; and we presume that one reason why the Convention appointed commissioners in each county was, that the gentlemen being personally acquainted therein would be less subject to imposition from false reports and groundless suggestions.

"The Council are informed that the Widow Van Horne did not remove from Connecticut to New-York, but to New-Brunswick, and that a considerable time before the enemy penetrated into New-Jersey; nor do we learn that she ever removed to New-York.

"With respect to the considerable sums of money lodged in Connecticut, and due on bonds, &c. belonging to persons who have joined the enemy from this State, nothing can be done at present, but it must be left to the wisdom of the Legislature to devise means for recovering such sums.

"We are, gentlemen, yours, &c."

Ordered, That a copy thereof be engrossed, and signed by the President, and transmitted.

A petition of Angus McDonald, lieutenant in the pay of the British Crown, and William Pemberton, dated yesterday, was read. They thereby pray to be heard and released from jail.

Ordered, That Lieut. Angus McDonnell be sent on board the Fleet prison with Mr. Colden; and that William Pemberton be served with a copy of the charges against him.

Resolved, That John Cumming be permitted to go to visit his wife, in the custody of such person as Mr. Cantine, Mr. Gilbt. Livingston and Mr. Van Zandt shall approve of; but that he be returned to Kingston in one week from the time of his departure.

Resolved, That the commissioners for detecting conspiracies in this State be directed to send for all the prisoners of this State, now confined in the jails of the New-England States, and cause them to be transported thence to the Fleet prison at Esopus Landing, in such manner as the said committee shall think proper.

Mr. Robert Harpur took his seat.

It having been represented to this Council of Safety, that divers of the prisoners of this State, sent to the jail of Philadelphia, and put under the care of the Council of Safety, at Philadelphia, have been liberated without the knowledge or consent of the Convention or Council of Safety of this State.

Resolved, That a letter be written to the Delegates of this State, requesting them to inquire which of the said prisoners remain there in jail, and on what conditions those who do not remain there prisoners have been suffered to depart.

Resolved, and Ordered, That Captain Castles, with the sloop of war under his command, do immediately proceed to Fort Montgomery, and there take his direction from and be subject to the orders and directions of Brigadier-General George Clinton, or the commander for the time being at the said fort.

Resolved and Ordered, That Captain Robert Benson, with the sloop of war under his command, take the care and charge of guarding the vessels which compose the Fleet prison, with the prisoners on board; but that Captain Benson have leave to proceed with the sloop to Poughkeepsie for provisions and return without delay; and that Captain Castles keep his present station until Captain Benson's return.

Mr. De Witt, from the committee to whom were referred the letter of Samuel Drake, and the other commissioners in Westchester county, brought in their report, which was read. Thereupon,

Ordered, That the whole business relative to the petition of Dennis Kennedy, be committed to Colo. De Witt, Mr. Cuyler and Mr. Platt, to inquire into and direct the same.

The Council of Safety proceeded to hear the minutes of the proceedings of the court martial, on the case of James Huetson again read, whereby it appears that the said James Huetson was charged for that he being a member of the State of New-York, protected by the laws thereof,

and owing allegiance thereto, on or about the first day of April last past, and at divers other days and times, both before and after, and since the sixteenth day of July, 1776, at the district of Cocksackie, in the county of Albany, wickedly, traitorously and treasonably and contrary to his allegiance aforesaid, did levy war against the said State, within the same whilst owing allegiance thereto; enlist men for the service of the King of Great Britain, now in actual war against the said State, being adherent to the said King of Great Britain and others, the enemies of the said State, within the same, by giving him and them aid and comfort, contrary to the resolutions of the Convention of the said State.

And by the said proceedings of the said court it further appears that, on a fair and impartial trial, the said James Huetson was, by the said court, found guilty of levying war against the State, and of giving aid and comfort to the King of Great Britain and others the enemies of the said State; and was therefore by the said court sentenced to suffer death.

The same charge, the evidence thereon, proceedings and sentence having been taken into consideration and deliberately examined,

Resolved, That the said sentence of the said court martial be and is hereby approved of and confirmed.

The Council of Safety proceeded to hear the minutes of the proceedings of the court martial on the case of Robert Coventry again read; whereby it appears that the said Robert Coventry, of Claverack district, in the county of Albany, stood charged for that he being a member of the State of New-York, residing within the said State, protected by the laws thereof, and owing allegiance thereto, on or about the first day of April last, and at divers other days and times, both before and after, and since the sixteenth day of July, 1776, at the district of Claverack, in the county of Albany, and at divers other places in the said county, wickedly, traitorously, and treasonably, and contrary to his allegiance aforesaid, did levy war against the said State, whilst owing allegiance thereto; enlist men for the service of the King of Great Britain, now and then in actual war against the said State, within the same, being adherent to the said King of Great Britain, by disarming a guard in the service of the State, and compelling said guard to take an oath of allegiance to the said King of Great Britain, then and now in open war against the said State, contrary to the resolutions of the Convention of the said State.

And by the said proceedings of the said court, it farther appears, that on a fair and impartial trial, the said Robert Coventry was, by the said court, found guilty of levying war against the said State, and being adherent to the King of Great Britain, and was, therefore, by the said court, sentenced to suffer death.

The same charge, the evidence thereon, proceedings and sentence, having been taken into consideration and deliberately examined,

Resolved, That the sentence of the said court martial be and is hereby approved of and confirmed.

But in consideration that the said Robert Coventry was about to return to his duty, and take the benefit of the resolutions of Convention, passed on the tenth day of May last, offering free pardon to such of the subjects of the said State as, having committed treasonable acts against the same, shall return to their allegiance, (and now frequently called the act of grace,) as appears by his defence, and some other circumstances:

Resolved, That the said Robert Coventry be pardoned, and that the Secretary prepare a draft of such pardon.

The proceedings of the said court martial on the case of Israel Osborn of Kings district, in the county of Albany, were then deliberately read, whereby it appears that the said Israel Osborn stood charged for that he, being a member of the State of New-York, protected by the laws thereof, and owing allegiance thereto, on the first day of April last past, and at divers other days and times, both before and after, and since the sixteenth day of July, 1776, at Kings district, in the county of Albany, did wickedly, traitorously and treasonably, contrary to his allegiance aforesaid, levy war against the said State within the same, by inducing many of the subjects of the said State to enlist, or by aiding and abetting other, the enemies of the said State, to procure divers persons, the subjects of the said State, to enlist into the service of the King of Great Britain, then and now in actual war against the said State within the same; and by traitorously and wickedly attempting, or aiding and abetting in an attempt, to procure a person to convey intelligence to General Howe, an officer in the service of the King of Great Britain, and others, the enemies of the said State, then and now in actual war against the said State within the same; and that he, on the day and year, and at the place aforesaid, was adherent to the King of Great Britain, and others, the enemies of the said State, then and now in actual war against the said State within the same, giving them aid and comfort contrary to the resolutions of the Convention of the said State.

And by the said proceedings of the said court martial, it further appears, that on a fair and impartial trial, the said Israel Osborn was, by the said court, found guilty of adhering to the King of Great Britain, and others, the enemies of the State; and that he is not guilty of the other charges exhibited against him; and was, therefore, by the said court, sentenced to suffer twelve months' close imprisonment at his own expense.

The same charge, the evidence thereon, proceedings and sentence, having been taken into consideration and deliberately examined,

Resolved, That the sentence of the said court martial against the said Israel Osborn, be and is hereby approved of and confirmed.

The proceedings of the said court martial on the cases of Benjamin Ingraham, Asa Beebe and Moses Wooster, all of Kings district aforesaid, were then deliberately read and heard; whereby it appears that Benjamin Ingraham, Asa Beebe and Moses Wooster, stood charged, that they being members of the State of New-York, protected by the laws thereof, and owing allegiance thereto, on the sixth day of May instant, and at divers other days and times, both before and after, and since the sixteenth day of July, 1776, at Kings district, in the county of Albany, did wickedly, traitorously and treasonably, contrary to their allegiance aforesaid, adhere to the King of Great Britain, and others, the enemies of the said State within the same, contrary to the resolutions of the Convention of the said State.

And by the said proceedings of the said court martial, it further appears, that on a fair and impartial trial, the said Benjamin Ingraham, Asa Beebe and Moses Wooster, were respectively guilty of the charges exhibited against them; that Benjamin Ingraham was, therefore, by the said court, sentenced to suffer six months' imprisonment; and that Asa Beebe and Moses Wooster respectively suffer three months' imprisonment, and that they remain imprisoned until they respectively take the oath of allegiance to the State of New-York.

The same charge against the said prisoners respectively and the evidences against each of them respectively, and the proceedings and sentence of the said court thereon, having been taken into consideration and maturely weighed and considered,

Resolved, That the sentence of the said court martial, as far forth as it sentences the said culprits respectively to imprisonment for a limited time, be and is hereby confirmed, and that the residue of the sentence be and is hereby remitted.

The proceedings of the said court martial on the case of Jesse Bullis were then deliberately read and heard, whereby it appears that Jesse Bullis stood charged for that he, being a member of the State of New-York, residing within said

State, protected by the laws thereof, and owing allegiance thereto, did, on the twenty-first day of January last, and at divers other days and times, both before and after, and since the sixteenth day of July 1776, at Kings district, in the county ofAlbany, wickedly, traitorously and treasonably, and contrary to his allegiance aforesaid, levy war against the State of New-York within the same, whilst owing allegiance thereto, did enlist himself in the service of the King of Great Britain, within the same; did enlist men in the service of the said King, within said State; was adherent to the said King and other enemies of the said State of New-York, contrary to the resolutions of the Convention of the said State of New-York, whilst he did owe allegiance and derived protection from the said State.

And by the said proceedings of the said court martial, it further appears that on a fair and impartial trial, the said Jesse Bullis is not guilty of the first and second charges, and guilty of having enlisted men in the service of the King of Great Britain, and also of being adherent to the said King within the State of New-York, and whilst owing allegiance to the said State, and deriving protection from the same; and was therefore by the said court sentenced to be branded in the hand, immediately after the sentence shall be approved of, and further that he should be imprisoned during the present war.

The same charge, the evidences thereon, proceedings and sentence having been taken into consideration and deliberately considered,

Resolved, That the sentence of the said court martial, against the said Jesse Bullis, be and is hereby approved of and confirmed. And,

Resolved, That, that part of the said sentence which inflicts the punishment of being burnt in the hand, be and is hereby remitted.

The proceedings of the said court martial on the case of Jacob Miller, of Half-Moon district, in the county of Albany, were then deliberately read, whereby it appears that the said Jacob Miller stood charged for, that he being a member of the State of New-York, residing within the said State, protected by the laws thereof, and owing allegiance thereto, on the 21st day of March last, and at divers other days and times, both before and after, and since the 16th day of July 1776, at the district of Half-Moon, in the county of Albany, wickedly, traitorously and treasonably, and contrary to his allegiance aforesaid, did levy war against the State of New-York within the same, whilst owing allegiance thereto; enlist men for the service of the King of Great Britain, now in actual war against the said State, and being adherent to the said King of Great Britain, and other the enemies of the said State contrary to the resolutions of the Convention of the said State.

And by the said proceedings of the said court, it further appears that on a fair and impartial trial, the said Jacob Miller, was by the said court found guilty of adhering to the King of Great Britain, and was therefore by the said court, sentenced to pay a fine of one hundred dollars, and suffer imprisonment for the space of six months.

The same charge, the evidence thereon, proceedings and sentence having been taken into consideration and deliberately examined.

Resolved, That the sentence of the said court martial, be and is hereby approved and confirmed.

The Council adjourned till to-morrow 9 o'clock.

DIE JOVIS, 9 HO. A. M.

June 19, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Mr. Hobart, Mr. Cantine, Mr. Cuyler, Mr. Harpur, Mr. Morris, Mr. Tappen, Mr. Yates, Mr. Jay, Mr. Platt, Mr. De Witt.

Mr. Jay, according to order, reported a draft of a letter to the Delegates of this State at Congress, which was read and approved of, and is in the words following, to wit:

"GENTLEMEN—The Council have been informed that several of the prisoners of this State, sent to the jail of Philadelphia by the late Convention or their committee, and recommended to the care of the late Council of Safety in that city, are now at large, and have been liberated without the approbation or knowledge of the Convention or this Council.

"As those prisoners were sent to Philadelphia for the purpose of being secured, not tried, and of being detained, not liberated, it is necessary that inquiries be made into the reasons of this strange management. The Council are informed, that William Sutton, one of the prisoners, was released on his parol to repair to this place in order to solicit his discharge; that he went immediately to New-York, obtained a majority in the new levies, and has since made a descent, with a party from Long island, on the southern part of Westchester. Had this man's parol been deemed worthy of credit or confidence, he would not have been sent to the jail of Philadelphia.

"As the Council are desirous of obtaining a true state of facts respecting these things, I am directed to request of you, gentlemen, to transmit to them a list of the prisoners of this State now in Philadelphia jail, and the principles on which such as have been liberated were released.

"I am, &c.

"To the New-York Delegates."

Ordered, That a copy thereof be engrossed, and signed by the President, and transmitted.

The proceedings of the said court martial on the case of John Clint, of the manor of Rensselaerwyck, in the county of Albany, were then deliberately read; whereby it appears that the said John Clint stood charged for, that he being a member of the State of New-York, protected by the laws thereof and owing allegiance thereto, on the first day of April last past, and at divers other days and times, both before and after, and since the 16th day of July, 1776, at the manor of Rensselaerwyck, in the county of Albany, did wickedly, traitorously and treasonably, contrary to his allegiance aforesaid, levy war against the said State, within the same, by swearing to bear faith and true allegiance to the King of Great Britain, and by swearing divers other persons, the subjects of the said State, to bear faith and true allegiance to the King of Great Britain, then and now in actual war against the said State, and to defend his crown and dignity; thereby adhering to the King of Great Britain, and others the enemies of the said State, within the same, giving him or them aid and comfort, contrary to the resolutions of the Convention of the said State.

And by the said proceedings of the said court, it farther appears that, on a fair and impartial trial, the said John Clint was, by the said court, found guilty, and was therefore, by the said court, sentenced to suffer the pains and penalties of death.

The same charge, the evidence thereon, proceedings and sentence having been taken into consideration and deliberately examined,

Resolved, That the sentence of the said court martial be and hereby is approved of and confirmed.

The proceedings of the court martial on the case of Arnout Viele, of Livingston manor, in the county of Albany, were then deliberately read; whereby it appears that the said Arnout Viele stood charged for that he, being a member of the State of New-York, protected by the laws thereof and owing allegiance thereto, on the 28th day of April last past, and at divers other days and times, both before and after, and since the sixteenth day of July, 1776, at the manor of Livingston, in the county of Albany, did, wickedly, traitorously and treasonably, contrary to his allegiance aforesaid, levy war against the said State

within the same, by enlisting many of the subjects of the said State into the service of the King of Great Britain, then and now in actual war against the said State, within the same, and by swearing divers persons, the subjects of the said State, to bear faith and true allegiance to the said King of Great Britain, and to defend his crown and dignity; thereby adhering to the King of Great Britain, and others the enemies of the said State, within the same, giving them aid and comfort, contrary to the resolutions of the Convention of the said State.

And by the said proceedings of the said court martial it farther appears that, on a fair and impartial trial, the said Arnout Viele was by the said court found guilty of all the charges exhibited against him, and was, therefore, by the said court sentenced to suffer death.

The same charges, the evidence thereon, proceedings and sentence, having been taken into consideration and deliberately examined,

Resolved, That the sentence of the said court martial be, and is hereby approved of and confirmed.

The proceedings of the court martial on the case of William Frazer, of Balls Town, in the county of Albany, were then deliberately read; whereby it appears that the said William Frazer stood charged for that he, being a member of the State of New-York, protected by the laws thereof, and owing allegiance thereto, on the sixth day of May instant, and at divers other days and times both before and after and since the sixteenth day of July, 1776, at Balls Town, in the county of Albany, did wickedly, traitorously and treasonably, contrary to his allegiance aforesaid, levy war against the said State, within the same, by withholding his allegiance and services from the said State, and by attempting to go off privately to the enemies of the said State, and by aiding and abetting divers other persons, the subjects of the said State, to go off privately to the enemy of the said State, then and now in actual war against the said State within the same; and that he on the day and year and at the place aforesaid, did adhere to the King of Great Britain and others the enemies of the said State, within the same, giving them aid and comfort contrary to the resolutions of the Convention of the said State.

And by the said proceedings it farther appears, that on a fair and impartial trial, the said William Frazer was, by the said court, found guilty of the charges exhibited against him, and was therefore by the said court martial sentenced to suffer twelve months' close confinement in a jail at his own expense.

The same charge, the evidence thereon, proceedings and sentence having been taken into consideration and deliberately examined,

Resolved, That the sentence of the said court martial be, and is hereby, approved of and confirmed.

The proceedings of the court martial on the case of Thomas Blewer, of the manor of Rensselaerwyck, in the county of Albany, were then deliberately read; whereby it appears that the said Thomas Blewer stood charged for that he being a member of the State of New-York, protected by the laws thereof, and owing allegiance thereto, on the 20th day of April last past, and at divers other days and times both before and after and since the sixteenth day of July, 1776, at the manor of Rensselaerwyck, in the county of Albany, did wickedly, traitorously and treasonably, contrary to his allegiance aforesaid, levy war against the said State, within the same, by swearing to bear faith and true allegiance to the King of Great Britain and to defend his crown and dignity, the said King then and now being in actual war against the said State; and that he in the day and year and at the place aforesaid, did wickedly, traitorously and treasonably, contrary to his allegiance aforesaid, adhere to the King of Great Britain and others, the enemies of the said State, then and now in actual war against the said State, within the same, giving them aid and comfort, contrary to the resolutions of the Convention of the said State.

And by the proceedings of the said court martial, it farther appears that on a fair and impartial trial, the said Thomas Blewer was, by the said court martial, found guilty of the charges exhibited against him, and was therefore sentenced by the said court martial to suffer twelve months' close imprisonment at his own expense.

The same charges, the evidence thereon, proceedings and sentence having been taken into consideration and deliberately examined,

Resolved, That the sentence of the said court martial be, and is hereby approved of and confirmed.

The proceedings of the court martial on the case of Alexander Patterson, of Claverack, in the county of Albany, were then deliberately read; whereby it appears that the said Alexander Patterson stood charged for that he, being a member of the State of New-York, protected by the laws thereof, and owing allegiance thereto, on the fourteenth day of April and at divers other days and times both before and after and since the sixteenth day of July, 1776, at Claverack, in the county of Albany, did wickedly, traitorously and treasonably, contrary to his allegiance aforesaid, levy war against the said State, within the same, by entering into the service of the King of Great Britain, and by inducing many of the subjects of the said State to enlist into the service of the King of Great Britain, then and now in actual war against the said State, within the same; and that he on the day and year and at the place aforesaid, did contrary to his allegiance aforesaid, wickedly, traitorously and treasonably adhere to the King of Great Britain and others, the enemies of the said State, within the same, giving them aid and comfort, contrary to the resolutions of the Convention of the said State.

And by the said proceedings it farther appears, that on a fair and impartial trial, the said Alexander Patterson was, by the said court martial, found guilty of adhering to the enemies of the State, &c. and not guilty of the other charges exhibited against him, and was therefore, by the said court martial, sentenced to be branded in the left hand with the letter T, and that he thereafter suffer twelve months' close imprisonment at his own expense.

The same charge, the evidence thereon, proceedings and sentence having been taken into consideration and deliberately read and examined,

Resolved, That the sentence of thecourt martial against the said Alexander Patterson, be, and is hereby confirmed, and

Resolved, That that part of the said sentence which inflicts the punishment of being burnt in the hand, be, and is hereby remitted.

The proceedings of the said court martial on the case of Thomas Frazer, of Ballstown, in the county of Albany, were then deliberately read; whereby it appears that the said Thomas Frazer stood charged for that he, being a member of the State of New-York, protected by the laws thereof, and owing allegiance thereto, on the sixth day of May instant, and at divers other days and times, both before and after and since the 16th day of July, 1776, at Balls Town, in the county of Albany, did wickedly, traitorously and treasonably, contrary to his allegiance aforesaid, levy war against the said State, within the same, by adhering to the King of Great Britain and others, the enemies of the said State, then and now in actual war against the said State, within the same, giving them aid and comfort; and that he, on the day and year and at the place aforesaid, wickedly, traitorously and treasonably did attempt to go off privately to the enemy of the said State, and did aid and abet others, the subjects of the said State, to go off privately to the enemy of the said State, then and now in actual war against the said State, within the same, contrary to the resolutions of the Convention of the said State.

And by the said proceedings of the said court martial, it further appears, that on a fair and impartial trial, the said Thomas Frazer was by the said court found guilty of every part of the charge exhibited against him, except that

of aiding and abetting the subjects of the State to go off privately to the enemy; and was therefore, by the said court sentenced to suffer twelve months' close imprisonment at his own charge and expense.

Resolved, That the sentence of the said court martial, be, and is hereby, approved of and confirmed.

The proceedings of the said court martial on the cases of Thomas Verte, Joseph Shearer, Alexander McLaughlin, John Mickle, John Fairman, Archibald McNeil, John Summerville, James Grant, John Burnes, Michael Conner and John McLaughlin, of Balls Town, in the county of Albany; Hans Helmer, Duncan Robinson, Alexander Robinson and John McIntire, of Tryon county, and Hendrick Ranion and William Reid, were then deliberately read; whereby it appears, that they, the said Thomas Verte, Joseph Shearer, Alexander McLaughlin, John Mickle, John Fairman, Archibald McNiel, John Summerville, James Grant, John Burnes, Michael Conner, John McLaughlin, Hans Helmer, Duncan Robinson, Alexander Robinson, John McIntire, Hendrick Ranion and William Reid, stood jointly and severally charged for that they, being members of the State of New-York, protected by the laws thereof, and owing allegiance thereto, on the sixth day of May instant, and at divers other days and times, both before and after and since the 16th day of July, 1776, at Balls Town, in the county of Albany, did wickedly, traitorously and treasonably, contrary to their allegiance aforesaid, levy war against the said State, within the same, by secretly withdrawing and withholding their allegiance and services from the said State, and by adhering to the King of Great Britain and others, the enemies of the said State, then and now in actual war against the said State, within the same, giving them aid and comfort; and that they, on the day and year aforesaid, at Ballstown, in the county aforesaid, wickedly, traitorously, and treasonably, contrary to their allegiance aforesaid, did attempt to go off privately to the enemy of the said State, then and now in actual war against the said State, within the same, contrary to the resolutions of the Convention of the said State.

That by the said proceedings it further appears, that on a fair and impartial trial, the said prisoners respectively, to wit: Thomas Verte, Joseph Shearer, Alexander McLaughlin, John Mickle, John Fairman, Archibald McNiel, John Summerville, James Grant, John Burns, Michael Connor, John McLaughlin, Hans Helmer, Duncan Robinson, Alexander Robinson, John McIntire, Hendrick Ranion and William Reid, were by the said court martial respectively found guilty of the two first parts of the charge, and not guilty of the last part of the charge against them; and the said prisoners respectively, were by the said court sentenced to pay a fine of fifteen dollars each, and that they be imprisoned till the fines be paid, and the said prisoners take the oath of allegiance to the State of New-York.

The same charge, the evidence thereon, proceedings and sentence having been taken into consideration and deliberately read and examined,

Resolved, That the sentence of the said court martial, as far forth as it sentences the said culprits respectively to fine and imprisonment, until the payment of the said fines, be and is hereby confirmed; and that the residue of the said sentence be and is hereby annulled and repealed.

Resolved and Ordered, That Brigadier-General Ten Broeck issue orders for the execution of the said James Huetson.

The House adjourned till the afternoon 4 o'clock.

Die Jovis, 4 *ho. P. M. June* 19, 1777.

The Council met pursuant to adjournment.

Present—Pierre Van Cortlandt, Esqr. *President*.

Mr. Hobart, Mr. Platt, Colo. De Witt, Mr. Cuyler, Mr. Yates, Mr. Morris, Mr. Jay, Mr. Tappen.

A letter from Egbert Benson, M. Smith and Peter Cantine, Esquires, commissioners, &c. dated Poughkeepsie the eighteenth instant, informing the Council of Safety that a number of Quakers, to the amount of twenty, have lately been to Long island, without permission, to attend their annual meeting, was read and filed. The said commissioners request the advice and directions of this Council in the premises.

The same being immediately taken into consideration: And thereupon,

Resolved, That the commissioners for detecting conspiracies, &c. do cause all those of the people called Quakers, who have lately been to Long island, and are returned, to be apprehended and sent under guard to the Fleet prison at Esopus creek, there to remain at their own expense until further order.

Another letter from the said commissioners, dated the seventeenth instant, relative to the Reverend Mr. Beardsley, who hath also been with the enemy, was read, taken into consideration: And thereupon,

Resolved, That the said commissioners do cause the Revd. Mr. Beardsley to be sent under guard to the Fleet prison at Esopus creek, there to remain at his own expense until further order.

The Honourable Robert Yates, one of the puisne judges of the supreme court of judicature within this State, attended, and took and subscribed the oaths of office and allegiance.

The petition of Hendrick Fiers, also the petition of John L. Van Allen and John S. Van Alstyne, confined on board the Fleet prison, were read, and referred to the wardens of the Fleet prison.

The petition of James Robinson, and others, confined in Kingston jail, complaining of the jailer, was read, and committed to Mr. Tappen and Colonel De Witt.

Ordered, That Captain Platt, Mr. Hobart and Colonel De Witt be a committee to dispose of Henry Cuyler, Esqr. as to the place of his confinement, and that they be authorized to take his parol.

The House adjourned until to-morrow morning 10 o'clock.

DIE VENERIS, 10 ho. A. M.

June 20, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

Present—Pierre Van Cortlandt, Esqr. *President*.

Mr. Cuyler, Mr. Platt, Mr. Hobart, Colo. De Witt, Major Tappen, Mr. Jay, Mr. Morris, Mr. Harpur.

Ordered, That Mr. Sheriff Dumond do direct that John Grant, who is now confined on board the Fleet prison, be delivered into the custody of Isaac Willse, in order to be by him conveyed to the commissioners for detecting conspiracies, &c.

The petition of John Kortz, confined on board the Fleet prison, praying leave to return home, was read, and

Ordered To lie on the table.

A draft of a letter to the Honourable James Bodewine, President of the Council of the Massachusetts Bay, was read and approved, and is in the words following, to wit:

"Sir—Mr. James Sullivan, chairman of a committee of the House of Representatives of Massachusetts Bay, by letter, informed the late Convention of this State, that the general court had laid an embargo on most of the necessaries of life, and intimated that the same would be continued till the other States should adopt the like mode of restraining the prices of labour, manufactures, internal produce and goods imported from foreign parts, which the New-England States had established.

"The Convention, in answer to Mr. Sullivan, stated the reasons which led them to conclude that, however proper and effectual the mode might be in New-England, in this State it would rather increase than diminish the mischiefs,

and were in hopes they would have satisfied our brethren of Massachusetts that similar measures could not be established here without manifest injury to the interest, not only of this State in particular, but of the United States in general; and considering that we were driven from our seacoast by the common enemy, that the embargo would not have been continued, at least with respect to this State.

"When the capital of your State was deprived of the benefit of the ocean, by the power of Great Britain, the inhabitants of this, as well as the other States, cheerfully contributed to the relief of your suffering poor. Our capital is now possessed by the enemy, and the rest of our seacoast is commanded by them. Our resources from the sea within our own State are entirely cut off, and it is in the power of our neighbours to reduce us to the greatest distress by denying us the use of their ports and markets. We will not allow ourselves to suppose that your General Court laid the embargo with this design; but we sincerely wish them to consider that the impartial world and posterity, and perhaps even our enemies, when they review our mutual conduct towards each other, may draw a comparison.

"We can, with great truth, assure you, that it is not in the power of man to devise a more effectual method to render the inhabitants of this State weary of the war with Great Britain, than the embargo laid by the New-England States; for, however they may submit to being deprived of such of the conveniences of life which were brought to them from foreign parts, yet it is impossible to content them while deprived of the essential article, salt, which they cannot either manufacture or import under their present circumstances.

"We must desire the favour of you to lay this matter before the General Court as soon as conveniently may be, as the inhabitants of this State are in many places suffering for want of that article; their sufferings will daily increase, and unless a supply can be procured in the course of the summer, they will become almost intolerable.

"The States to the southward have hitherto allowed us the free use of their ports and markets; but as the enemy are turning their operations that way, we are precluded from any prospect of relief from that quarter; so that if the eastern States continue to withhold from us a part of that abundance with which their happier situation furnishes them, we shall soon be reduced to a condition under which nothing but a full persuasion of the justice of our cause, and the unshaken reliance on the protection of Heaven can support us.

"We are, with the greatest respect,
"Your, &c.

"To Honble. JAMES BODEWINE, President
of the Council of Massachusetts Bay."

Ordered, That a copy thereof be engrossed, and signed by the President, and transmitted.

A draft of a letter to Colonel Abraham P. Lott, at Boston, in answer to his of the first instant, was read and approved of, and is in the words following, vizt:

"SIR—Your letter of the first instant has been received, and in answer, I am directed to inform you that the Council are concerned to learn that you meet so little success in procuring salt, as that article is exceedingly wanted; they hope you will continue your exertions, and forward whatever quantities you may purchase, by the nearest and least expensive routes to this State, from time to time, informing the Council of your proceedings in the same.

"A letter has been received from Mr. Henry Schenk, who informs that twelve hogsheads of the salt you forwarded, are arrived at Fishkill. The Council have written to Mr. Bodewine, President of the Council of Massachusetts, which they hope will have a tendency to facilitate your business.

"I am, sir, your most obedient humble servant.

"Colo. ABRAHAM P. LOTT."

Ordered, That the same be engrossed, and signed by the President, and transmitted.

The House adjourned until to-morrow morning, ten o'clock.

DIE SABBATI, 10 HO. A. M.

June 21, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

PRESENT—Pierre Van Cortlandt, Esqr. *President.*

Mr Jay, Mr. Cuyler, Mr. Platt, Mr. Harpur, Mr. Hobart, Mr. Tappen, Mr. Morris, Colo. De Witt.

A letter from Martin Vosburgh, of Red Hook, informing that the son of Johannes Turner (who is confined on board the Fleet prison) is drowned. That the wife of the said Turner is so much distressed as to endanger her mind. Mr. Vosburg therefore requests that the said Johannes Turner may be permitted to visit his wife and family on this occasion.

Resolved, That the said Johannes Turner be liberated for three weeks to visit his wife and family, on Mr. Evert Vosburgh's becoming security for his good conduct, and return to the Fleet prison at the expiration of three weeks.

The petition of Richardson Thurman, confined on board the Fleet prison, praying to be discharged from confinement, was read and ordered to be referred to the committee of the Fleet prison to inquire and report thereon.

A letter from Cadwallader Colden, desiring permission to purchase a negro man, who is confined on board the Fleet prison, was read and referred to the said committee.

Resolved, That Mr. John Thomas be authorized to receive from John Canfield, Esqr. at Sharon, out of the goods belonging to this State and in his possession, the following articles, to wit: two hogsheads of shoes, two hogsheads of hose and one hogshead of the cloths, to be by the said John Thomas transported to Mr. Radley's, at Rhinebeeck Landing; for the transportation of which goods this Board do agree to allow fifteen dollars.

Mr. Hobart, Mr. Jay and Mr. Cuyler, the committee appointed to regulate the Fleet prison and appoint proper officers of the same, made a report, which was read and approved, and is as follows, to wit:

"In pursuance of the above resolution, the committee therein named, have established the following regulations for the Fleet prison and appointed the following officers for the same:

"1st. That all the sloops or vessels which may, from time to time, compose the Fleet prison, together with all the prisoners on board the same, be under the care and custody of the warden thereof; and that Captain Henry Benson be warden of the said prison.

"That it shall be the duty of the warden:

"1. To enter in a book the names of all the prisoners, the times when committed and when discharged, the causes of commitment and by whom committed.

"2. To provide for their secure custody, and that the said vessels be at all times clean and neat.

"3. To deliver, three times a week in spring, summer and autumn, and twice a week in winter, to the victualler, the names of all such of the prisoners as may not be able or not choose to provide themselves with provisions, and that he enter the same in a book; that he condemn all such provisions, sent to the prison by the victualler, as may not be sound and wholesome, and keep an account thereof.

"4. That he permit the friends of the prisoners to send them necessaries, but that the same be delivered to the officer on guard, and be by him carefully inspected and examined before they be given to the prisoners.

"5. That no person be at any time permitted to visit the said prison without the leave or order, in writing of the

Council of Safety, or of a member of this committee other than members of the said Council, and the commissary, clerk and victualler of the said prison.

"6. That he suffer no letters or papers to pass to or from any of the prisoners, without license in writing from a member of this committee, except that he receive and transmit all petitions and letters which they may think proper to send to the Council of Safety or committees or members thereof.

"7. That whenever he shall receive orders to discharge any of the said prisoners, he shall immediately make known the same to the clerk of the prison, in order that he may proceed to make out the account of the State against the said prisoners, and receive the money which may be due thereon. That in case any of the said prisoners so ordered to be discharged, should refuse to pay their said accounts, that the warden do suspend their discharge until he shall have informed the Council of Safety thereof, (which he shall immediately do) and obtain their further order.

"2d. That a victualler to the said prison be appointed, and that Capt. Charles Giles be victualler thereof.

"That it shall be the duty of the said victualler:

"1. To deliver regularly to the commissary, a copy of the list of prisoners to be victualled, which he shall from time to time receive from the warden.

"2. That he serve out to the prisoners named in the said list, three-quarters of a pound of beef, pork or mutton, and one pound of bread per day, with a reasonable allowance of salt and vinegar; and that the said rations be served out to the prisoners at the least three times a week in spring, summer and autumn; and twice a week in winter.

"3. That he receive from the commissary, and account for the expenditure of all the provisions to be by him as aforesaid served out to the prisoners.

"4. That he take care that the fuel furnished by the commissary for the use of the prisoners, be plentifully and regularly served out to them, and that he keep an account of the same.

"5. That the victualler be paid for his trouble, nine pounds per month.

"3d. That a commissary to the said prison be appointed; that Cornelius Elmendorph be commissary thereto.

"That it shall be the duty of the commissary:

"1. To furnish the victualler for the use of such of the prisoners as may not be able or willing to provide themselves with three-quarters of a pound weight of beef, pork, or mutton, and a pound of bread per day, with a reasonable allowance of salt, vinegar and fuel.

"2. That he account monthly for the expenditure of all such sums of money as shall be advanced to him by the Council of Safety, for the purchase of the necessaries aforesaid.

"3. That he cause the hides, tallow and wool of all such cattle or sheep as he may purchase and kill for the use of the prisoners aforesaid, to be preserved, and that he render a monthly account of the same.

"4. That he be paid eighteen pounds per month for his trouble.

"4th. That a clerk tot he said prison be appointed; that Henry Benson be clerk thereto.

"That it shall be the duty of the clerk:

"1. To open and state an account against each of the prisoners, provided as aforesaid, noting the times of their commitment and discharge.

"2. In the said account, to charge them with the expense occasioned by their maintenance respectively; which expense will consist of their several proportions of the first cost of the provisions, salt, vinegar and fuel supplied to them, with the incidental charges, and of the wages of the commissary and victualler.

"3. That whenever the warden of the prison shall inform the clerk that he has received orders to discharge any of the prisoners, the clerk shall forthwith make out the accounts, and demand and receive the money due thereon.

"4. That the clerk have free access to the books and vouchers of the warden, commissary and victualler, in order to enable him to state and keep the accounts above directed.

"That the clerk, for his trouble, be allowed to demand and receive for his own use from each prisoner when discharged, the sum of six shillings and six pence.

"JNO. SLOSS HOBART,
"JOHN JAY,
"JACOB CUYLER."

Ordered, That the Secretaries do serve the said officers named in the said report, with copies thereof. And,

Ordered, That the Treasurer of this State advance to Mr. Cornelius C. Elmendorph, commissary of provisions of the Fleet prison, at Esopus creek, the sum of three hundred pounds on account.

Resolved, That Frederick Jay, Esqr. be directed to pay all such moneys as are remaining in his hands, on account of the indigent persons in Dutchess county, unto Messrs. Abraham Schenk and Gideon Verveelen, commissioners appointed to superintend and provide for the indigent persons and families in Dutchess county, and take a receipt for the same.

The House then adjourned until Monday morning, 10 o'clock.

DIE LUNÆ, 10 HO. A. M.

June 23, 1777.

The President, with Major Tappen, Colonel De Witt and Mr. Harpur attended, but the weather being bad, they adjourned until to-morrow morning.

DIE MARTIS, 10 HO. A. M.

June 24, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

PRESENT—Pierre Van Cortlandt, Esqr. *President.*

Major Tappen, Mr. Cuyler, Mr. Platt, Mr. Hobart, Major Van Zandt, Colo. De Witt, Mr Jay, Mr. Harpur, Genl. Scott.

The petition of James Howetson, a prisoner, under sentence of death for treasonable practices against the State, praying to be pardoned; and if that cannot be granted, that the time appointed for his execution may be lengthened, that he may have some time to humble himself before the Supreme Judge of the Universe, and prepare himself for so awful a change, was read.

The same was immediately taken into consideration; and it appearing to this Council that Arnout Vielle is under sentence of death for the like crimes, and this Council being determined to make public examples of both of the said criminals; and being willing, nevertheless, to extend so much mercy to them as to allow them a further time for a preparation for their great change, than will be allowed them by the times allotted for their respective execution, it is, therefore,

Resolved, That they shall be and hereby are utterly excluded from all prospect of a pardon for their respective offences; that the said James Howetson be and is hereby respited until Friday, the fourth of July next; and that Arnout Vielle be respited until Monday, the seventh day of July next. And it is hereby

Ordered peremptorily, That the said James Howetson be executed on the said fourth day of July, and the said Arnout Vielle on the said seventh day of July, at the respective places, and in the manner heretofore determined.

Ordered, That a copy of the aforesaid resolve and or-

der be immediately transmitted by express, to Brigadier-General Ten Broeck.

A letter from the Honourable Henry Wisner, dated June the nineteenth, at Goshen, recommending Samuel Knap, who is sentenced to death by the judgment of the court martial held in Ulster county, by order of Brigadier-General George Clinton, and who was by the said court martial recommended for mercy as an object of mercy, to be pardoned, was read and taken into consideration.

Resolved, That the said Samuel Knap be pardoned of the crimes and punishment wherewith and whereto he stands charged, and sentenced by the said court martial. And

Ordered, That the President do, in the name and by the authority of this Council, issue the said pardon, which pardon was, by the President, issued accordingly.

A letter, dated at Saybrook, the twelfth instant, signed by a number of refugees from Nassau island, requesting that they may be permitted to pass and repass to the said island, for the purpose of bringing off necessaries for their suffering families, was read, and referred to Messrs. Platt and Hobart.

A letter from General Putnam, (enclosing a letter from Robert Graham to him,) in which the General recommends to the Council of Safety to grant permission to Mr. Graham to export flour to the eastern States, was read and filed. Thereupon,

Resolved, That neither the Convention or Council of Safety of this State, have, by any embargo, deprived our eastern brethren of receiving supplies of flour from this State, but that no such supplies be, under any pretence, exported from this State by water.

Ordered, That the President transmit a certified copy of the aforegoing resolution to General Putnam.

The Council were informed that some Indian warriors of the Seneca tribe, with Mr. Rickman, their interpreter, were in this town on their way home, from General Washington's Head-Quarters, and that they were desirous of being permitted to visit the Council.

They were accordingly called up and a speech made to them by the President from the chair.

Resolved, That the sum of one hundred dollars be given to the said Indians to assist them on their journey home; that Mr. Benson, the Secretary, disburse the said sum to the said Indians, and that the Treasurer reimburse Mr. Benson the said sum out of the Treasury of this State.

The Council adjourned until 4 o'clock this afternoon.

DIE MARTIS, 4 *ho. P. M. June* 24, 1777.

The Council met pursuant to adjournment.

PRESENT—Colo. Van Cortlandt, Esqr. *President*.

Mr. Morris, Mr. Platt, Major Tappen, Mr. Cuyler, Mr. Robt. Livingston, Mr. Yates, Mr. Hobart, Genl. Scott, Colo. De Witt, Mr. Harpur, Mr. Jay, Major Van Zandt.

Ordered, That the Treasurer of this State pay unto John Tremper the sum of twenty-four pounds ten shilling, for transporting the baggage of Major William Edmiston, a prisoner of war, to Philadelphia, who was sent thither at the request of his Excellency General Washington, and that the same charged to the Continental account.

A letter from His Excellency Governor Trumbull, dated the second instant, enclosing the accounts of Prosper Wetmore, sheriff of the county of New-London, was read, and is as follows, vizt:

"*Hartford, June 2d*, 1777.

"SIR—In the course of the last year a number of inimical persons were sent from your State to us to be confined, some of them in jail, others to be on their parole, within certain limits: of the former I find a number whose names are to be seen in the enclosed accounts, were sent to the care of the sheriff of New-London county, who was directed by Mr. Depoister, the officer who brought them, to support them well, and not let them suffer for want, as they were unable to support themselves, which has been done; and the sheriff has received no consideration for his trouble or expense. He has exhibited the enclosed accounts, which have been liquidated and allowed by us as reasonable, and desire your State would remit the sum due, as it is not incumbent on us to bear those expenses. The sheriff has charged our State because those prisoners were received and committed to him by authority here, but ought not to be paid by us.

"I am, with esteem and regard, gentlemen,

"Your most obedient humble servant,

"JONTH. TRUMBULL.

"The Honble. Convention of
the State of New-York."

"*State of Connecticut, to Prosper Wetmore, sheriff,*

1776.	DR.	£	s.	d.
Aug. 18,	To receiving intothe prison in Norwich, sundry prisoners from the State of New-York, and guarding of by order of His Honour Governor Trumbull, viz: Jonathan Baker, Thomas Vernham, John Clark, Thomas Coyne, Lasuras Guire and James Mason, from August 18th. till October 9th, 2 days in a week, at 6*s*. per day,	5	8	0
	To boarding the above named prisoners by Sims Edgerton, jailer, during the said time, being nine weeks, at 9*s*. per week, for each of said prisoners,	24	6	0
	To boarding Jonathan Baker, John Clark and James Mason, in said prison, by Syms Edgerton, jailer, from October 9th, to December 18th, being 10 weeks, at 9*s*. per week, for each of said prisoners,	13	10	0
		£43	4	0

"*Norwich, December 18th*, 1776.

("Errors excepted.)

"Per PROSPER WETMORE.

"*Connecticut.*

"The above account was considered and allowed by the Governor and Council of Safety as just and reasonable.

("Attest.) BENJ. HUNTINGTON, *Clerk*."

"*State of Connecticut to Prosper Wetmore, sheriff.*

1776.	DR.	£	s.	d.
Aug. 21st.	To receiving the following prisoners at New-London, by a special warrant, signed by His Honour Governor, viz: Alexander Campbell, Thomas Swords, William Pemberton, Samuel Anderson, Joseph Anderson, Samuel S. Gordner, Walter Scott, John Scott, Jacob Timmerman, Ralph Watson, John Duzenbury, Frederick Williams, Henry Westenhousen, Dugall Cambell, Benjamin Grinman, Owen Conner, William M. Mullin, Israel Orsborn and Samuel Messinger,	1	0	0
	To transporting the above said prisoners from New-London to Preston, which took me three days and expenses,	2	0	0
	To cart and horse to carry their baggage, and an hand to assist from Norwich to Preston,		12	0
	To 2 horses to assist in getting said prisoners to Preston,		5	0
	To 2 copies of the above warrant,		3	0
	To a copy of a warrant directing me to carry said prisoners to Preston,		1	0
	To Ephraim Minor's bill,	10	12	10
	To fourteen passages from New-London to Norwich, with Capt. Bradish,		18	9
	To Mr. Abeil Cheney's bill,		18	5
		£16	12	0

("Errors excepted.)

"Per PROSPER WETMORE.

"*Connecticut.*

"The above account was considered and allowed in the Council of Safety as just and reasonable.

("Attest.) BENJ. HUNTINGTON, *Clerk*."

Ordered, That the aforegoing letter of His Excellency Governor Trumbull, and accounts referred to in the same, be referred to a committee, and that Mr. Jay and Mr. Robert R. Livingston be the committee.

Another letter from his Excellency Governor Trumbull, dated at Hartford the twelfth instant, was received and read, and is in the words following, vizt:

"*Hartford, 12th June*, 1777.

"SIR—The prisoners referred to in your letter of the

18th of April last, were taken up last summer while the enemy's fleet and army were at Staten Island, and by His Excellency General Washington sent into this State to prevent their joining or giving any intelligence to the enemy, where they remained confined until long after the enemy had taken possession of New-York; when their power of giving intelligence respecting the strength or circumstances of the city ceased.

"As no advice had been received from General Washington or the Convention of the State of New-York respecting those prisoners, and their remaining here in this State gave them an opportunity of communicating to the enemy, through the hands of disaffected persons, intelligence that might be much more prejudicial to the American cause than any strength they might add to the enemy in New-York by their return thither under the sacred obligations of their parol.

"As most of them had been gentlemen of public character, it was thought most advisable to permit them to go to New-York on their parol, to return when thereunto required.

"On your request, shall take the earliest opportunity to cause the several prisoners belonging to your State and now on parol in New-York immediately to return, and as I am of opinion their further residence in this State will disserve the American cause, must request you will make the necessary provisions for their removal into the State of New-York.

"Those gentlemen will be requested to return to Hartford. If you can find it convenient to give them directions to go to some suitable place in your State without coming on to this place, it may save trouble and answer the same end.

"I am, with great truth and regard, sir,

"Your most obedt. humble servant,

"JONTH. TRUMBULL.

"Honble. LEONARD GANSEVOORT,
"Presdt. of Convention New-York."

Ordered, That the said letter be committed to a committee, and that Mr. Jay and Robert R. Livingston be the committee.

A letter from John E. Van Alen, (directed to Abraham Yates, Esq.) confined in the jail of Albany, requesting his opinion on the propriety of his applying to Council of Safety for leave to remove to one of the eastern States: he informs Mr. Yates that his refusing to take the oath of allegiance to this State arises from his intentions to remove as aforesaid, was read, and at the request of Mr. Yates taken into consideration, and thereupon,

Resolved, That John E. Van Alen be liberated on his giving bond, with one good surity, in three hundred pounds, to Peter Van Brugh Livingston, Esqr. the Treasurer of this State, with condition that the same shall be void on his producing to this Council of Safety or the Governor of this State, a certificate of his having taken an oath of allegiance to one of the New-England States, before a magistrate thereof authorized to administer the same, on or before the first day of August next, which certificate shall be subscribed by the said magistrate, or in default thereof, that he shall and do on or before that day render himself a prisoner to the sheriff of the city and county of Albany, who is hereby required to receive and detain him in the jail of the said county until he shall thence be legally discharged.

Resolved, That the chairman of the committee of Albany be requested to take the bond above mentioned of the said John E. Van Alen, and that his certificate thereof to the sheriff shall be a warrant for his discharging the said John E. Van Alen from his custody; and further, that the said chairman transmit the said bond to the Vice-Treasurer of this State.

DIE MERCURII, 4 *ho. P. M. June* 25, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Mr. Jay, Mr. Yates, Mr. Cuyler, Mr. Harpur, Mr. Hobart, Genl. Scott, Mr. Platt, Mr. Robt. R. Livingston, Mr. Tappen, Major Van Zandt, Colo. De Witt.

Two certificates from James Van De Bergh, lieutenant-colonel of militia in Dutchess county, that Elkanah Brigs and Benjamin Ellis, who have been guilty of treasonable practices, have taken the oath of allegiance to this State, and pray the benefit of the act of grace.

Resolved, That the President do issue pardons to those persons respectively.

Mr. Hobart has leave of absence for a week.

Melancton Smith, Esqr. sheriff of the county of Dutchess attending, delivered in his return of the election for Governor, Lieutenant-Governor, Senators and members of Assembly.

Ordered, That the Secretaries keep the said return in safety, until the returns from the other counties come in.

The petition of Johannes Frever, confined in the jail of Kingston, and subject to fits of lunacy, praying to be discharged, was read and referred to the committee of the Fleet prison, to make inquiry therein.

The petition of Benjamin Darby, Gideon Gifford, Samuel Leonard, Asa Lamfeir and David Southard, Samuel Devine, Archibald Wilson and Philip Brooks, Hugh Anderson and Samuel Hannah were respectively read. And

Ordered To lie on the table for the perusal of the members.

The petition of Alexander Campbell, Samuel Freligh, James Guigley, Thomas Hadden, Cornelius Furler, and others, Walter Stouter and John Stoaks, all confined in the said jail, and praying to liberated, were read. And

Ordered To lie on the table.

The petition of John Ausum, confined in the jail at Kingston as a dangerous and disaffected person, praying to be discharged, was read; and a certificate, signed by a number of respectable inhabitants of the town of Rochester, as to the general reputation and character of the said Johannes Ausum, was also read. And thereupon,

Ordered, That the said Johannes Ausum, on his taking the oath of allegiance, be liberated.

A letter from Brigadier-General Bayley, of Gloucester county, dated at Newbury, was received and read, and is in the following words, viz:

"*Newbury, 14th June*, 1777.

"GENTLEMEN—I acknowledge the receipt of an ordinance from you, for the election of Governor, Lt. Governor, and Senators and Representatives, for the State of New-York, by the hand of Mr. Wallace. The sheriff and committee gave the proper orders to the several towns; our meeting will be next Tuesday, but am apt to think our people will not choose any members to sit in the State of New-York. The people before they saw the constitution were not willing to trouble themselves about a separation from the State of New-York, but now almost to a man they are violent for it. The appointment of officers out of the State is looked upon as a slight of the people; it was not politic. The calling for the rangers is stripping the frontiers of men and arms, which order I received by Major Wheelock, with a verbal account that the others would soon follow. I gave the orders for the march of the first company, but had no money to march them, which they insist upon. They insist that if the conditions they were raised upon is altered in one part, it must in all before they march; they say their subsistence money will not half support them on their march, nor at Kingston when they arrive.

"I am, gentlemen, with the utmost respect,

"Your most obt. hble. servt.

"JACOB BAYLEY.

"To the Committee of Safety, Kingston."

Ordered, That the said letter be committed to a committee, and that Mr. Jay, Mr. Robert R. Livingston and Mr. Morris be a committee.

A letter from John Barcley, Harmanus Wendell and

Abraham Cuyler, dated at Albany the thirteenth instant, informing that by virtue of the power vested in them by the Council of Safety, they have, on the twenty-ninth of May last, administered to Henry Wendell, Esquire, and on the ninth instant, unto Volkert P. Douw, Abraham Ten Broeck, Henry Bleecker and Leonard Gansevoort, Esqrs. the oaths in the ordinance for establishing the constitution of this State, prescribed to be by them taken and subscribed respectively. That Jacob C. Ten Eyck and John H. Ten Eyck, Esqrs. who were appointed judges have declined to accept of their appointment; and Walter Livingston, Esqr. the other judge named, they have not had an opportunity of offering the oaths to, and can not therefore inform whether he accepts thereof, was received, read, and filed.

A letter from General George Clinton, dated the twentieth of June, was received and read, and is as follows, vizt:

"*Fort Montgomery, 20th June,* 1777.

"SIR—As the office of paymaster to Colo. Duboys's regiment is become vacant by my appointment of Captain Lush, major of brigade, in the room of Major Pawling, who is ordered with his four companies to Ramapough, I wish to have Capt. Townsend's commission for paymaster to that regiment; as I have ordered him to join the regiment in that character, on the strength of the encouragement given in your answer to my last letter, which I was induced to more strongly on seeing a late resolve of Congress which forbids the absence of the paymasters from their regiments, great inconvenience having arisen from the want of their steady attendance, and much greater would arise in suffering the office to be vacant.

"Enclosed you have three ensigns' commissions in Colo. Duboys's regiment, two of which must have been filled up through mistake. Jacobus Sleght was appointed by the committee of arrangement, but declined accepting his appointment, and Azahel Barry was appointed in his room, and immediately joined the regiment, and acted in that character therein ever since. Archibald Thomson never joined the regiment, nor indeed could such a person be found, and Francis Hanmore was appointed by the committee of arrangement in his room, as I am informed, and as such joined the regiment. It is best to have these matters rectified and commissions sent to the right persons. Thomas Beyoux, the person mentioned in the third commission has resigned some time ago, and quit the regiment. The Colonel wishes James Johnson, his present sergeant-major to fill that vacancy, he is an exceeding good officer, a decent lad with good share of education, and in my opinion will merit the promotion to which as the first non-commissioned officer in the regiment he is in some measure entitled.

"I am your most obdt. humble servt.
"GEO. CLINTON.

"To the Honble. the Presidt. of
the Council of Safety."

Ordered, That Townsend be appointed paymaster to Colonel Duboys's regiment, *vice* Stephen Lush promoted to the office of brigade-major by General George Clinton; that a commission be issued to Azahel Berry, as ensign of the company number four, of the fifth battalion of New-York forces in the army of the United States, (he having acted as such since raising the regiment,) in the stead of Jacobus Sleght, who declined that appointment.

That a commission be issued to Francis Hanmore, as ensign of the sixth company of the fifth battalion of the said forces, which office he now sustains in the regiment, though by some mistake a commission for that ensigncy was issued to some person by the name of Archibald Thompson, who is unknown.

That a commission issue to James Johnson as ensign of the company number eight of the said fifth battalion, in the stead of Thomas Bayeaux, who has resigned, and whose commission is now returned and filed. And

Ordered, That the said James Johnson's commission be dated this day.

A letter from John Williams, Alexr. Webster and Ebenezer Clark, dated the 23rd June, was read, and is as follows, vizt:

"SIR—The general committee for this county met at Scheensbrough the 20th inst. and finding themselves surrounded with difficulties came to the following resolution, to wit:

"'*Resolved,* That Colo. Jno. Williams, Major Webster and Ebenezer Clark, Esqrs. be deputed to represent to the Council of Safety of this State the present situation of this county.'

"Agreeable to said resolve, we met and beg leave to inform you of the following facts:

"The sheriff for this county, agreeably to the ordinance of Convention repaired to the eastern parts of this county, in order to put up the notifications for the election. But the inhabitants informed him if he posted it up they would take it down, by which means there was no election held in that part of the county called the Hampshire Grants.

"The committee sent to Cumberland and Gloucester counties, in order to be informed how they meant to proceed with respect to the Senators, and received for answer, that the New-Hampshire Grants had declared themselves independent, and would not let the county committees sit, nor any thing be transacted under the jurisdiction of New-York.

"The people on this side the Grants, being informed of the above, was at a loss what to do. Our part of the county being so small, however, concluded to elect and inform the Honourable Council of Safety of their proceedings, so that the sense of the said Council might be taken in the premises.

"Doubts have arisen in the committee whether the expense of the Representatives will be a State or a county charge; if it be determined to be the latter, we could by no means support it, if the whole are to attend, being but one-third part of the county; therefore must beg the Council of Safety will give us directions how to proceed, that the people at large may be quieted.

"Numbers of the inhabitants of this part of the county are lately from the old country, and in general very poor, and by reason of the before mentioned difficulties, and their objections to part of the constitution, would not vote; and it was with great difficulty there was any election held. However, we can assure the Council, they are ready and willing to do every thing that lies in their power to support the grand cause we are engaged in. Therefore, we, in behalf of the people, most humbly request the Honourable Council of Safety will propose some mode, so that this part of the county might be represented according to its number of inhabitants, and inform us what number of Senate and Assembly we are to send, as they are all chosen in this part of the county.

"The answer by the bearer hereof will be thankfully acknowledged by, sir,

"Your most obedient and very humb. servts.
"JNO. WILLIAMS,
"ALEXR. WEBSTER,
"EBENEZER CLARK.

"*New-Perth, June* 23*d,* 1777.
"To the Honble. President and Members
of the Council of Safety at Kingston."

Ordered, That the said letter be committed to Mr. Jay, Mr. Robert R. Livingston and Mr. Morris, and that they report thereon.

A letter from Alexander Webster, dated at New-Perth, the twenty-first instant, enclosing the oath of allegiance and of office by him admininistered, to John Williams, one of the judges, Edward Savage, sheriff, and Ebenezer Clark, clerk of the county of Charlotte, was received and read.

Ordered, That the said letter, with the enclosures, be filed.

A letter from Lynde Lord, dated at Litchfield, the twenty-third instant, accompanying Gilbert Forbes, who was sent to the State of Connecticut and confined in custody of Mr. Lord by order of the late Provincial Congress, and is now brought from thence to this place by order of this Board, was read and filed.

Ordered, That the said Gilbert Forbes, on his taking the oath of allegiance to this State, be discharged.

A letter from Isaac Smith, a captain in the Orange county militia, with the resignation of his commission, was read, and referred to General Scott, to write to General George Clinton on the subject.

A letter from Isaac Sears, dated at Boston, the thirteenth instant, relative to a brigantine belonging to Messrs. Hallet, Hazard and Blackwell, Thomas Witter, Peter Kittletas and David Van Horn, taken by Captain Truxten of the privateer ship Mars, in the port of Boston, was read and filed.

Ordered, That the said letter be committed to Genl. Scott and Mr. Yates. And

Ordered, That the Secretaries transmit copies thereof to the said owners.

Then the Council adjourned until to-morrow morning 10 o'clock.

DIE JOVIS, 10 HO. A. M.

June 26, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Mr. Morris, Mr. Yates, Major Tappen, Mr. Jay, Mr. Cantine, Mr. Platt, Mr. Robert R. Livingston, Major Van Zandt, Mr. Harper, Colonel De Witt, General Scott.

The sheriff of Ulster county attending, delivered in the return of the election held in said county for Governor, Lieutenant-Governor, Senators and Assembly.

Ordered, That the Secretaries keep the said returns in safe custody till further orders.

Ordered, That Captain Castle be authorized to take the negro fellow (who is confined in jail) on board the armed sloop under his command, to assist in transporting the said sloop to Fort Montgomerie.

Ordered, That Captain Castle be authorized to hire three men to assist in transporting his sloop to Fort Montgomerie.

Ordered, That the President do issue a pardon to Peter Bush.

Mr. Jay, to whom was committed the letters of Governor Trumbull of the second and twelfth instant, on the subject of the prisoners gone to New-York on parol, and the cannon lent to this State, reported the draft of a letter in answer thereto, which was read, amended and agreed to, and is in the words following, to wit:

"SIR—Your Excellency's letters of the second and twelfth instant have been laid before the Council of Safety. The accounts of Prosper Wetmore, Esquire, against this State have been examined and passed, and the amount will, by the first opportunity, be remitted to him or paid to his order.

"The Council are sensible of the trouble given to your State by the disaffected sent thither from this State, and regret the necessity which rendered that measure necessary.

"As to the prisoners alluded to in yours of the twelfth instant, I am directed to inform your Excellency that your readiness to comply with their request, by causing the prisoners of this State now on parol at New-York to return, gives them great satisfaction; provisions will be made for their accommodation and residence in this State, and the Council beg the favour of your Excellency, immediately on their return to Connecticut, to take their parols, to repair forthwith to this town.

"I am ordered further to suggest to your Excellency the propriety of fixing a short though reasonable day for their return, and to prevent evasions on their part, the Council are desirous that a vessel with a flag be sent at the expense of this State to New-York, to demand their return to Connecticut agreeable to the terms of their parol, and in case of refusal, that the evidences of it may be such and so preserved, as that proper use may be made of it in future.

"In a letter to the late Convention of this State, your Excellency required that the cannon borrowed of Connecticut should be either returned or paid for. It ever will be acknowledged by this State that the cannon in question belong to and were sent by your State to this, and are either to be returned or paid for by the latter.

"The Council wish that this demand may be reconsidered or for the present postponed.

"Those cannon were not applied to the private and separate use of this State in fitting out vessels of war or otherwise, but they were placed in those forts which were erected by Congress to preserve that line of communication between the eastern and western States, which they deemed essential to the safety of both, and of which they presumed the enemy would attempt to deprive them, by gaining the command of Hudson's river. In that service those cannon still are, should they be taken away, others to supply their places cannot be furnished by this State, the far greater part of whose artillery has been lost in the service of the Continent, except indeed the considerable number now in service in Connecticut, and for the return of which, no measures have as yet been taken.

"Should the necessities of Connecticut however be deemed such as to require the immediate return of, or payment, for the cannon in question, application for permission to take them from the forts and transport them to your State shall immediately be made, and whatever may be the consequence, be assured that the people of this State will at all times prefer dangers to violations of faith. Should permission to return them not be obtained, and the Congress decline paying for them, we will.

"I have the honour to be,

"Your Excellency's most obdt. humble servt.

"His Excellency Governor TRUMBULL."

Ordered, That a copy thereof be engrossed, and signed by the President, and transmitted.

Certificates signed by Richard Esselstyne, one of the justices of the county of Albany and second major of the eighth regiment of militia in the said county, that William Dingmanse, Jacob Dingmanse, Abraham Meyer and Rudolphus Dingmanse, Junr. (having been guilty of treasonable practices against this State,) have surrendered themselves and voluntarily taken the oath of allegiance to this State, and pray to have the benefit of the act of grace.

Ordered, That the President issue pardons to those persons respectively.

Adjourned until 4 o'clock this afternoon.

DIE JOVIS, 4 *ho. P. M. June* 26, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Mr. Cantine, Mr. Harpur, Mr. Yates, Colo. De Witt, Mr. Platt, Major Tappen.

Messrs. Jay, Morris and Robert R. Livingston being out on a committee, the members present adjourned until to-morrow morning, ten o'clock.

DIE VENERIS, 10 HO. A. M.

June 27, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

PRESENT—Pierre Van Cortlandt, Esqr. *President.*

Major Tappen, Mr. Cantine, Mr. Harpur, Mr. Platt, Mr. Yates, Major Van Zandt.

Messrs. Jay, Morris and Robert R. Livingston being out on a committee of great importance, the members present adjourned until 4 o'clock this afternoon.

DIE VENERIS, 4 *ho. P. M. June* 27, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *President.*

Mr. Yates, Mr. Cantine, Mr. Platt, Colo. De Witt, Mr. Harpur, Mr. Robt. R. Livingston, Mr. Jay, Mr. Morris, Major Van Zandt, Major Tappen.

The committee to whom was referred the petition of Obadiah Jones and others, refugees from Long island, delivered in their report, which was read, and thereupon the Council came to the following resolutions, vizt:

Resolved, That (provided His Excellency Governor Trumbull shall approve thereof) Obadiah Jones, John Hulbert and Thomas Dearing, or any two of them, do give permits to such of the refugees from Long island as reside in Connecticut as they shall think proper, and at such times and under such restrictions as they may judge prudent, to pass to Long island to get off their effects.

Resolved, That the said Obediah Jones, John Hulbart and Thomas Dearing, or any two of them, be and they are hereby authorized and directed to remove, at the expense of this State, to the county of Dutchess, within the same, all such of the refugees from Long island, now in Connecticut, as are unable to maintain themselves, and are willing so to be removed.

Resolved, That one hundred pounds be advanced to the said gentlemen to enable them to execute the above resolutions; and that they account with the Auditor-General of this State for the expenditure thereof.

Ordered, That the Treasurer of this State pay the said sum of one hundred pounds unto Mr. Paul Reeve, to be by him conveyed and delivered to the said gentlemen, or one of them.

Resolved, That the persons so to be removed, shall on their arrival in Dutchess county, be under the care of, and supplied with necessaries by, Messrs. Abraham Schenk and Gideon Ver Veelen, commissioners for superintending and providing for such of the inhabitants of this State, in the said county, as have been driven from their habitations by the enemy.

A draft of a letter to Governor Trumbull, on the subject of the said resolutions, was read and approved, and is as follows, to wit:

"SIR—A petition of divers refugees from Long island, now in your State, has been presented to the Council of Safety, together with a copy of a letter from your Excellency to the committee of Saybrook, of the fifth of May last. The petitioners represent that many of them left effects of considerable value behind them on Long island, and pray for permission to fetch them off.

"It appearing to the Council, that their request may be complied with without injury to the common cause, have come to certain resolutions on that subject, which I have the honour to enclose, and which the Council hope will meet with your Excellency's approbation.

"I have the honour to be,

"Your Excellency's most obedt. humble servt.

"His Excellency Govr. TRUMBULL."

Ordered, That a copy thereof, signed by the President, enclosing a copy of the said resolutions, be transmitted.

The committee to whom was referred the several letters of the fourteenth, twenty-first and twenty-third days of June instant, from Alexander Webster, Ebenezer Clark, John Williams and Jacob Bailey, Esqrs. brought in their report, which was read, amended and agreed to, and is in the words following, vizt:

The committee to whom was referred the several letters of the fourteenth, twenty-first and twenty-third days of June instant, from Alexander Webster, Ebenezer Clark, John Williams and Jacob Bailey, Esquires, having considered the same, humbly report the following letters and resolutions, to wit:

Resolved, That the Representatives chosen for the county of Charlotte, and the Senators elected for the eastern district of this State, ought, on being notified of their said appointments, forthwith to repair to this place, and take their respective seats in the Legislature. And further, that in the opinion of this Council, the Legislature will provide that the good subjects in Charlotte county, who voted at the late election for the Representatives in Assembly for the said county, and Senators for the eastern district aforesaid, shall not be charged with more than their just and proper proportion of the expense to be incurred, by sending the said Representatives and Senators aforesaid.

Resolved, That it appears to this Council, that many evil disposed persons in the eastern district of this State, are endeavouring to erect the same into an independent government, and give out that they are encouraged thereto by several members of the Honourable the Continental Congress.

Resolved, That the following letter be written to our Delegates, enclosing copies of the above letters, and the report of the committee for settling the boundaries of this State; and that Major Wheelock, be requested to repair to Philadelphia, and to give to our Delegates the fullest information of the present situation of the counties of Charlotte, Cumberland and Gloucester.

Resolved, That the company of rangers commanded by Captain Wait, be peremptorily ordered to repair immediately to Kingston, in the county of Ulster; and that all arrears of their pay and subsistence be paid them on their arrival there.

Resolved, That two hundred dollars be advanced to Captain Benjamin Wait, in order to defray the expenses of the said company, and in lieu of subsistence money while on their march; and that on their arrival at Kingston they may, at their option, receive rations instead of subsistence money. And,

Ordered, That the Treasurer of this State pay to the said Benjamin Waite, on his receipt, the said two hundred dollars.

WHEREAS it hath been represented to this Council, that there are great deficiencies in the number of troops destined for the northern department: AND WHEREAS they are desirous of contributing by every means in their power to strengthen the northern army: Therefore,

Resolved, That the company of rangers commanded by Captain John Strong, and the company commanded by Captain Simon Stevens, be put under the direction of Major-General Schuyler, until further orders; that they be paid the arrears of their wages and subsistence on their arrival at such stations as he shall assign them; and that it be at their option to receive, while at such stations, rations in the stead of subsistence money.

Resolved, That a letter be written to Major-General Schuyler, enclosing the above resolutions, and requesting him to pay the arrears of the said company's wages and subsistence on their arrival at such stations as he shall assign them.

Mr. Yates dissented to the first and third resolutions.

A draft of a letter to Major-General Schuyler, was then read, amended and agreed to, and is as follows, to wit:

"SIR—Your information of the present state of the northern army, has induced the Council of Safety to come to a resolution, of which the enclosed is a copy.

"The Council hope it will meet your approbation, and request that on the arrival of the rangers to the station you may assign them, you direct that their arrears be paid on account of this State. From the time that you may think proper to call these companies into Continental service, and during their continuance in it, the Council expect they will receive pay and rations from the Continent.

"I have the honour to be, sir,

"Your most obedient humble servant.

"Major-General SCHUYLER."

Ordered, That a copy thereof be engrossed, and that the President sign and transmit the same to the Honourable Major-General Schyler.

The Council adjourned until to-morrow morning ten o'clock.

DIE SABBATI, 10 HO. A. M.

June 28, 1777.

The Councel met pursuant to adjournment.

Prayers as usual.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Mr. Tappen, Mr. Harpur, Mr. Yates, Mr. Cantine. Genl. Scott, Mr. Jay, Mr. Robert R. Livingston, Mr. Tredwell, Mr. Van Zandt, Colo. De Witt.

Ordered, That the Treasurer of this State advance to Captain Benjamin Waite (of the rangers raised in Cumberland and Charlotte counties under the command of the late Major Joab Hoisington,) the sum of sixty pounds three shillings and two pence, on account of himself and the other officers of his company.

The committee to whom was referred the letter from General Putnam, of the twenty-first instant, delivered in their report, which was read and recommitted to Mr. Jay, Genl. Scott and Mr. Morris.

Resolved, That the sheriffs who shall attend this board with their returns of the election, do not depart this town until dismissed by this Council.

A letter from the Honourable Philip Livingston, James Duane and William Duer, Esqrs. dated at Philadelphia, the nineteenth instant, was received and read, and is as follows, to wit:

"*Philadelphia*, 19*th June*, 1777.

"HONOURABLE GENTLEMEN—In our last we informed you of the success of our efforts in vindication of General Schuyler, and it gives us great satisfaction to observe from your vote of thanks to Congress and other circumstances, that the honourable issue of this perplexed and delicate business has met with general approbation. Major-General Gates, a few days since, arrived in this city, greatly chagrined and enraged against your Delegates, to whom he ascribes what, without any solid reason, he is pleased to call his disgrace. As in this inquiry justice has been our view and truth our guide, we feel ourselves very indifferent about his resentment.

"We have since assiduously laboured two points of great moment to the State which we have the honour to represent. The first, a recommendation of Congress to the United States respectfully to encourage and facilitate our being supplied with salt and other European and West India commodities. We have not only succeeded in this object, but with a testimonial highly to the honour of New-York, obtained the additional favour of a grant of near 2,000 bushels of the public salt in store at Plymouth, in the Massachusetts Bay, which for our more immediate relief, the Commissary-General is directed to exchange for an equal quantity nearer to our State if it can be done without injury to the service.

"When you reflect on some late regulations of our eastern neighbours, you will readily perceive the policy of the first of these resolutions, which evidently implies a reprobation of the ungenerous restraints which they have imposed upon a sister and confederated State whose misfortunes and distresses demanded a very different treatment, since they were drawn upon her only on account of her attachment to the common cause.

"The secret committee, agreeably to the directions of Congress, have given us an order for the salt, and we shall endeavour to negociate the exchange with the Commissary-General, and by the first opportunity inform you of the result; the price will be that which is current at Plymouth. Several authenticated copies of the resolutions we enclose, conceiving you will have occasion to communicate them to some of the neighbouring States. To publish them we think would not be prudent, as by disclosing our distresses it would but too probably give a double keenness to the spirit of extortion which so shamefully prevails throughout the United States, and prevent your purchasing any necessaries but on the most exorbitant terms.

"The other point which we had at heart, and which has employed much of our attention, was a regulation of the Commissary-General's department.

"The abuses which had crept into it from the want of method and proper checks, the folly of the *purchasing* and the negligence of the *issuing* commissaries, to say nothing of fraud and embezzlement, called aloud for reformation; and the depreciation of our bills of credit, to which, more than any other cause, it contributed, made it a subject still more serious and important. A system is formed which, if properly carried into effect, will be productive of that economy which in all our affairs seems hitherto to have been but little practised; it is now in the press, and should it be published before these despatches are closed, we shall not fail to transmit it.

"When we observe how much depended upon a purchasing commissary, who from the vast sums at his disposal, commanded the market and had great influence on the internal affairs of a State, we thought it of great consequence to get this business as far as we were immediately concerned, conducted by one of our fellow citizens upon whose probity, capacity and patriotism a firm reliance could be placed. With this view we recommended Jacob Cuyler, Esqr. of Albany, as deputy commissary-general for the northern department, and though infinite pains were taken to disappoint us and continue the business in eastern hands, we finally prevailed. This and other urgent affairs have put it out of our power to bring forward the instruction of our late Convention respecting the new Connecticut government attempted to be established within our jurisdiction. We have for some time, however, been paving the way for its success, and have reason to expect that every thing will be done for our State on this occasion which is consistent with justice and the public good. The beginning of next week is the time we have fixed upon for its introduction.

"The expectations of a visit at this city from General Howe appeared last week, from the movements of his army, to be very probable. They now grow more and more remote. Intimidated by the spirit and vigour of the Jersey militia, who turned out to a man, and were ready to meet him in front while the Continental troops were in his rear; instead of pressing forward he is busily employed in entrenching his army on strong ground near Millston, as if resolved, for some time at least, to act on the defensive. General Washington's regular forces are much better appointed and in all respects superior to any he ever commanded. In courage they are equal to the enemy, in number exceed them, as well as in the goodness of their cause; besides they are daily gaining strength while the enemy are diminishing by desertion: so that every thing wears a smiling aspect, and with the blessing of Heaven, seems to promise a fortunate issue to this critical campaign.

"We have the honour to be, with the utmost regard, honourable gentlemen,

"Your most obedient humble servants,

"PHIL. LIVINGSTON,
"JAS. DUANE,
"WM. DUER.

"*P. S.* Be pleased to forward a copy of the resolution for making a present to Mr. Tilghman.

"Honour. Council of Safety
of the State of New-York."

The resolutions of Congress referred to, and came enclosed in the above letter was then read, and is in the words following, vizt:

"IN CONGRESS, *14th June*, 1777.

"WHEREAS, the State of New-York, long the seat of the present unprovoked war, and a principal object of the vengeance of our implacable enemies, hath been, among other calamities, for a considerable time deprived of her seaports, and of all the advantages and supplies of European and West India commodities which other states derive from commerce, and it being represented that the inhabitants of the said State are more immediately distressed for want of salt, which though a necessary article of life they have no prospect of procuring without the interposition of Congress. And it being the duty of Congress, as well of the respective United States, to alleviate, as far as may be in their power, the distresses brought down upon any branch of the confederacy on the account of its vigourous opposition to the common enemy, and its virtuous struggles in the great and glorious cause in which all are equally engaged, and the inhabitants of New-York having persevered, amidst the several trials and losses, with vigour and fortitude in the defence of the liberties of America:

"*Resolved*, therefore, That it be recommended to the executive power or Legislatures of the respective States to encourage and facilitate the supplying of the inhabitants of New-York while they shall continue to be deprived of the benefit of importation, with salt and other European and West India commodities of which they may stand in need.

"*Resolved*, That the secret committee be directed to sell to the Council of Safety or Delegates of the State of New-York, a cargo of about two thousand bushels of salt, imported by Congress, and now in store in Plymouth, in the Massachusetts Bay, and that the Commissary-General be directed, if it can be done without prejudice to the public interest, to exchange for the said cargo of salt an equal quantity nearer to the State of New-York, that the distress of its inhabitants in that respect may be more immediately relieved.

"Copy from the Journals of Congress,
"CHA. THOMSON, *Sec'y*."

A letter from the Honourable William Duer, Esquire, dated at Philadelphia the nineteenth instant, was received and read, and is in the words following, to wit:

"*Philada. June 19th*, 1777.

"SIR—When General Schuyler left this place, I requested the favour of him to apply in my name to the Honourable the Council of Safety for permission of absence for six weeks, and that they would be pleased to order Mr. Morris to attend in my place.

"As I have not yet received leave of absence, I am to impute it to Genl. Schuyler's neglect in making the application to the Council of Safety, which I requested him.

"I have therefore, sir, to request the favour of you to solicit the Council of Safety to grant me leave of absence for six weeks; as my presence is absolutely necessary not only to arrange my private affairs, which are totally in disorder, but likewise to adjust several accounts with the State of New-York, and the United States, which no one but myself can properly adjust.

"When the Council consider that I have been steadily engaged in the public service, without intermission, for 14 months past, not having once obtained leave of absence to visit my own home, I flatter myself my request will not appear unreasonable.

"I have the honour to be, with great respect,
"Your most obedt. hble. servt.
"WM. DUER.

"Honble. PIERRE VAN CORTLANDT,
Prest. of the Council of Safety of
the State of New-York."

Ordered, That the aforegoing letters and resolutions of Congress be referred to Mr. Jay, Mr. Morris and Mr. Robert R. Livingston.

The petition of Arnout Vielie, of the manor of Livingston, adjudged guilty of treasonable practices and sentenced to be hanged. To the said petition is subscribed the names of a great number of the inhabitants of Claverack, and the manor of Livingston, soliciting that the prayer of the said petition may be granted. The same was read: And thereupon,

Ordered, That the consideration thereof be postponed till next Tuesday.

A certificate in the words following, was read and filed, to wit:

"These may certify to the Honourable Legislature of this State, that there are now at least about seventy able bodied men enlisted into the companies that I have been appointed to raise in the northeastern parts of the said State; and that but two officers under me have as yet received commissions.

"As witness my hand,
"JOHN WHEELOCK, *Major*.

"*Kingston, June* 28, 1777."

Ordered, That the Secretary make out and deliver to Major Wheelock one blank captain's and one blank lieutenant's commission.

The committee to whom was referred the petition of William Albertson brought in their report, which was read and agreed to, and is in the words following, to wit:

"Your committee, to whom was referred the petition of William Albertson, humbly report the following facts and resolutions:

"It appears to your committee that William Albertson purchased two-thirds of the sloop Charlotte Elizabeth, and, as he says, (and there is much reason to believe, from a paper that he produces,) that he afterwards purchased the remaining third; that he sold the said sloop to one Frederick Williams, (as he says, and is willing to confirm with his oath,) for two hundred and sixty pounds; that he offers no other evidence of this bargain, except a bond from the said Frederick Williams for eighty-six pounds, six shillings and eight pence; that bonds for the remainder of the said two hundred and sixty pounds, except fifteen pounds which the said William Albertson acknowledges to have received, are (as he asserts and is willing to confirm by his oath) in the hands of , now in New-Jersey, and so near the enemy that he can not obtain them, and that he has not received any money in payment of the said bonds, except what is above mentioned; that it does not clearly appear where the said Frederick Williams now is, but as he has been apprehended heretofore as a disaffected person, and is now said to be absent from home, it is presumed by the said William that he is with the enemy.

Resolved, That though there appears to be some equity in the claim of the said William Albertson, yet for want of further evidence, and its being a matter cognizable in the courts of law, the Council ought not to make any determinotions therein.

Then the Council adjourned till 4 o'clock this afternoon.

DIE SABBATI, 4 *ho. P. M. June* 28, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esq. *President*.

Mr. Harpur, Colo. De Witt, Mr. Yates, Mr. Jay, Mr. Tredwell, Mr. Cantine, General Scott, Major Tappen.

A letter from the sheriff of Albany county, accompanying the returns of the elections in the said county, and in the county of Tryon, was read and filed.

Ordered, That the Secretaries keep the said returns in safe custody until further orders.

A letter from Samuel Sacket, a captain in Colonel Henry B. Livingston's regiment, dated the twenty-eight day of June instant, was received and read, and is in the words following, vizt:

"To the Honourable the Council of Safety
for the State of New-York.

"GENTLEMEN—Permit me to lay before you a state of facts, (as I looked upon myself to be aggrieved) would humbly beg you to take into consideration.

"June 28th, 1775, I was commissioned by the Convention of this State, a first lieutenant, and went to the northward with General Montgomerie. My captain went home from Montreal; the General thought proper to promote me to a captaincy. I recruited a company and served in Canada until the New-York regiments left that country, taking rank and receiving pay according to the General's appointment. Last November the committee of arrangement of this State did me the honour to appoint me the first captain of Colonel Henry B. Livingston's regiment, and the fifth in the State, which was giving me the rank I was entitled to by that appointment. The field officers of the regiment have lately thought proper to make an arrangement, and placed me the third captain of the regiment. As this not only affects me in our own regiment but throughout the State, and takes from me that rank which the Convention gave me, would beg the Honourable Council to take the matter into consideration and give me redress.

"As the want of a commission is all the pretence for depriving me of my rank, could I obtain one of the date of my appointment by General Montgomery, I should esteem it a great favour, as that would establish my rank with officers of other States.

"With the greatest respect, I am, gentlemen,
"Your most obedt. hum. servt.
"SAML. SACKET.

"*Kingston. June 28th*, 1775.

"*P. S.* General Montgomerie appointed me a captain November the 25th, 1775."

Ordered, That a copy of the said letter be sent to Colo. Henry B. Livingston, and that he be requested to inform this Council by what authority the field officers of his regiment have altered the arrangement thereof, made by the committee of the late Convention, for that purpose appointed pursuant to the resolution of the Honourable the General Congress.

A letter from General Schuyler, dated at Saratoga, June the twenty-sixth, was read and follows, vizt:

"*Saratoga, June* 26, 1777.

"SIR—Having brought affairs at Ticonderoga, in some better train than I found them, and left the necessary directions for carrying on the works at that and the other posts on the communication, I yesterday returned to this place on my way to Albany, to remove that cloud of confusion which has of late enveloped our affairs in the northern department, and last night I received a line from General St. Clair, advising me that part of the enemy were seen encamped at Gilliland's creek, which is about forty-five miles from Ticonderoga; that some of their shipping were there with them; that he does not imagine they mean a serious attack on Ticonderoga. Should his conjectures be well founded, this movement of theirs is probably intended to cover an attack on the Mohawk river, or an attempt to harass us on the communication, or to penetrate to New-Hampshire.

"I have some reason to suspect the latter, and have extended my attention to guard as much as possible against either; but the slender force I have does not flatter me with so effectual an opposition as might be wished. I shall however hope that they will not be able to make any capital impression in any quarter.

"I have taken the liberty to request Mr. Fuller not to sell the crops of grass at Skenesborough until I could do myself the honour to write to the Council of Safety on the subject. It is much wanted for the public service, and I shall be greatly obliged if the Council of Safety will please to order an appraisement to determine the value, and direct that it be put into the care of the assistant quarter-master at that post. Payment will be ordered for it without delay.

"We are greatly distressed for rigging of every kind, for the vessels constructing on Lake George, and at a loss from whence to procure any; should there be any in this State, in the power of the Council to command, permit me to entreat for a supply, and that I may be advised where and to whom to apply, and that the necessary orders for its delivery be expedited.

"In the night between Sunday and Monday, some miscreant lodged fire in the wall of my house at this place in such a manner as to communicate with a wall plate, good part of the side of which was reduced to a coal before the fire was discovered, which was immediately after it began to blaze up, and happily extinguished without any damage.

"I am, sir, with great respect,
"Your and the Honourable Council's
"Most obedient humble servant,
"PH. SCHUYLER.

"Honble. PIERRE VAN CORTLANDT, &c."

Ordered, That the same be committed to Mr. Morris and General Scott.

Major Jonathan Lawrence, a member of the late Convention, and one of the commissioners appointed by the said Convention for erecting salt works within this State, attending, produced a speech, by himself and William Harpur, made to the Oneida Indians, with an agreement to allow them four dollars for every bushel of salt which they make and deliver at Fort Schuyler. The same was read, and is in the words following, to wit:

"BROTHERS OF THE FIVE NATIONS:

"The ships belonging to the King of England having possession of the seaports of our particular State, which at present prevents our getting a sufficient supply of salt for its inhabitants, and the Great Council of the State of New-York, at their council fire at Esopus, having been informed that large quantities of salt may be boiled from spring water within the territories of their old friends the Five Nations, have thought proper to appoint us commissioners to contract with you concerning the making of salt; and as we wish to cultivate a business which would tend to our mutual advantage, we have thought proper to communicate our proposals to our brethren by letter, which are, that if any of our friends incline to make salt and deliver it at Fort Schuyler, we will appoint a person there to receive it, who will pay them for every skippel delivered there, four dollars. We salute you by our friend Thomas Spencer, who is the bearer.

"J. LAWRENCE,
"W. HARPUR.

("With three strings wampum.)

"*Oneida, the 16th June*, 1777."

"SIR—The above is a copy of a letter we have sent to the Five Nations, by which you will see we have obligated ourselves to take from them all the salt they may think proper to deliver here, paying them at the rate of four dollars per skippel for all they will bring. We have now to request you to receive and pay for all the salt which may be brought, in consequence of our proposals to them, at the price therein mentioned. What salt you may receive, you will please to have put into casks and carefully headed and secured, and kept until you receive orders from the commissioners for erecting salt works within this State, or

from the Legislature of the State of New-York, for the disposal thereof.

"We are, &c.

"*Fort Schuyler, 18th June*, 1777.
"To JOHN HANSENS, Esqr. Commissary
of Stores for the Western Department."

The same was read and immediately taken into consideration. And thereupon,

Resolved, That this Council do approve of the said agreement, and accept thereof on behalf of the State. That the State have all the benefits arising from the said agreement and bear the expense thereof.

The Council proceeded to examine the ballots and poll lists, returned by the sheriff of Charlotte county, of the election held for Governor, Lieutenant-Governor and for Senators of the eastern district. After having gone through the same,

Adjourned until Monday morning 10 o'clock.

DIE LUNÆ, 10 HO. A. M.

June 30, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Mr. Yates, Mr. Tredwell, Mr. Van Zandt, Major Tappen, Mr. Harpur, Colo. De Witt.

A sufficient number of members not appearing, the members present adjourned until 4 o'clock this afternoon.

DIE LUNÆ, 4 *ho. P. M. June* 30, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Mr. Yates, Mr. Tredwell, Mr. Van Zandt, Major Tappen, Mr. Harpur, Colo. De Witt, Mr. Cantine.

A sufficient number of members not as yet appearing, the members present adjourned until to-morrow morning, ten o'clock.

DIE MARTIS, 10 HO. A. M.

July 1, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Mr. Yates, Mr. Tredwell, Mr. Van Zandt, Mr. Cantine, Major Tappen, Mr. Harpur, Colo. De Witt, Genl. Scott.

The petition of James Hewetson, adjudged guilty of treasonable practices against the State, and sentenced to be hanged by the neck till he be dead, praying to be pardoned, was read, and immediately taken into consideration. The question being put whether the prayer of the said petition be granted, it was carried in the negative, *nem. con.* Thereupon,

Resolved, That the prayer of the said petition be rejected.

The petition of Benjamin Smith, confined on board the Fleet prison, praying to be discharged, was read and filed.

Ordered, That the said Benjamin Smith, on his taking the oath of allegiance, be discharged.

The petition of Samuel Herring, a disaffected person, confined in the jail of Kingston, praying that he be permitted to work at his trade with Mr. John Dumont.

Ordered, That the sheriff permit the said Samuel Herring to reside and work at his trade with John Dumont, Esqr. until further orders.

A certificate, dated Dutchess county, June the twenty-eighth, 1777, signed by James Van Der Burgh, lieutenant-colonel, that Roger Cutler, of Pawling's precinct, appeared before him, and hath taken the oath of allegiance to this State, as prescribed by Convention.

Ordered, That the President do issue a pardon to the said Roger Cutler aforesaid.

Council adjourned until this afternoon, 4 o'clock.

DIE MARTIS, 4 *ho. P. M. July* 1, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esquire, *President*.

Mr. Yates, Mr. Tredwell, Mr. Cantine, Major Tappen, Mr. Harpur, Colo. De Witt. Genl. Scott.

Mr. Van Zandt being indisposed, and there not being a sufficient number of members to proceed on business, the members present adjourned until to-morrow morning, 10 o'clock.

DIE MERCURII, 10 HO. A. M.

July 2, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Major Tappen, Major Van Zandt, Mr. Yates, Mr. Tredwell, Mr. Robt. R. Livingston, Genl. Scott, Mr. Platt, Mr. Cantine, Mr. Harpur, Mr. Morris, Colonel De Witt.

The petition of Arnout Vielie, of the manor of Livingston, adjudged guilty of treason against the State, and sentenced to be hanged by the neck until he be dead, praying to be pardoned, was again read and taken into consideration.

The question being put, whether the prayer of the said petition be granted, it was carred in the negative *nem. con.*

Resolved, That the prayer of the said petition be rejected.

A letter from Cornelius Steinrods, relative to a farm by him purchased of Stephen De Lancey, and suspected by the commissioners of sequestration in Westchester county, to be a sham or fraudulent purchase.

Ordered, That the said commissioners be informed thereof, and that they be requested to inform this Council of their reasons for suspecting the said sale.

A letter from Richard Peters, Esquire, secretary to the Board of War, dated June the sixteenth, 1777, enclosing two resolutions of Congress, dated April the first, was received, read and filed, and is in the words following, to wit:

"*War Office, June 16th*, 1777.

"SIR—By order of the Board of War, I have the honour of enclosing you two resolves of Congress, to the latter whereof I would particularly request your immediate attention, as great inconveniences daily arise from the lists of the army not being completely returned. You will be pleased also to render an account to the Board of all moneys expended on account of prisoners of war, and sums paid to them. You will be pleased to be very exact in the account, and see that no charges are omitted, as the enemy are rigidly accurate in their charges against the States on account of prisoners; all sums omitted, will be lost by the State wherein the charge was neglected to be made.

"I have the honour to be
"Your very obt. servant.
"RICHARD PETERS, *Secy.*

"Honourable Council of Safety,
State of New-York."

"IN CONGRESS, *1st April*, 1777.

"*Resolved*, That no officer already appointed, or to be hereafter appointed in the army of the United States, shall take rank by virtue of a commission ante-dated, but rank shall be determined by the time of appointment, unless otherwise directed by special resolution of Congress.

"That it be recommended to the Legislature, and in their recess, to the executive powers of the respective

States, that they forthwith transmit to the Board of War, exact lists of all officers appointed by them in the Continental army, with the dates of their commissions and times of their appointment.

"Extract from the minutes.

"CHAS. THOMSON, *Secy.*"

Ordered, That the said letter and resolutions be referred to a committee, and that Mr. Jay, Mr. Harpur and Colo. De Witt be the committee.

The petition of Richardson Thurman, a prisoner confined on board the Fleet prison, was received and read.

Resolved, That the said Richardson Thurman, on taking the oath of allegiance and paying the expenses of his confinement, be discharged.

Ordered, That Major Henry Schenk do deliver to Cornelius C. Elmendorph, commissary of provisions to the Fleet prison or his order, two tierces of the salt belonging to this State.

Ordered, That the said commissary cause the said salt to be transported to this town, and that he acquaint this Board of its arrival.

Ordered, That Colo. De Witt, Capt. Platt and Mr. Yates be a committee to devise and report the most proper mode for distributing the salt which is or may be imported into this State, among the inhabitants thereof.

Two certificates signed by Richard Esselstyne, second major of the eighth regiment of the Albany militia, and one of the justices in the county of Albany, that Peter Dingmanse and Henry I. Meesick, having been guilty of treasonable practices, have taken the oath of allegiance as prescribed by the act of grace, and praying the pardon of their crimes.

Another certificate signed by Cornelius Duboys, lieutenant-colonel of the eleventh regiment of the militia, that Johannes Markel, who having been guilty of treasonable practices, hath taken the oath of allegiance as prescribed by the act of grace, and prays the pardon of his crimes.

Ordered, That the President do issue pardons to the above persons respectively.

A letter from Governor Trumbull, dated the 25th June, ulto. relative to the prisoners of this State gone to New-York on parol, and enclosing a vote of the minutes of the Council of Connecticut, authorizing Doctor Platt Townsend and all others, the inhabitants of this State, to manufacture salt in Connecticut, for the use of the inhabitants of this State, was read and filed.

Ordered, That the substance of the said vote be published in the newspapers.

A letter from Brigadier-General Ten Broeck, dated at Albany, June the thirtieth, enclosing the proceedings of a general court martial, held at Albany on the twenty-fifth of June, was read and filed. Wherein it appears that Andries Huyck of Schodack, of the manor of Rensselaerwyck, was tried, and is by the said court martial, adjudged guilty of adhering to the King of Great Britain and other the enemies of the State of New-York, and sentenced to pay a fine of one hundred dollars, and to remain a prisoner until he pays the said fine. The same was immediately taken into consideration, and thereupon

Resolved, That this Council doth approve of the judgment and sentence of the said court martial, and that the same stand confirmed.

A pay roll of the officers of the militia, who sat on the same general court martial at Albany, and an account of the expenses of the said court martial was also transmitted by General Ten Broeck, was received and read.

Ordered, That the said pay roll and account be handed to the Auditor-General, who is directed to audit the same for payment.

The Council adjourned until this afternoon 4 o'clock.

DIE MERCURII, 4 *ho. P. M. July* 2, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *President.*

Mr. Tredwell, Mr. Harpur, Colo. De Witt, Mr. Platt, Mr. Robt. R. Livingston, Major Tappen, Major Van Zandt, Mr. Yates, Mr. Morris, Mr. Jay.

The Council proceeded to examine the ballots and poll lists of the elections held in the counties of Dutchess and Ulster, as returned by the sheriffs of the said counties. After having gone through the same, they adjourned until to-morrow ten o'clock.

DIE JOVIS, 10 HO A. M.

July 3, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

PRESENT—Pierre Van Cortlandt, Esqr. *President.*

Mr. Platt, Mr. Jay, Major Tappen, Mr. Yates, General Scott, Mr. Tredwell, Mr. Cantine, Major Van Zandt, Mr. Morris.

Mr. Jay reported the drafts of the following letters, which were read and approved of, to wit:

A draft of a letter to the New-York Delegates in Congress, on the subject of the revolt in the northeastern part of this State, and of the appointment of Mr. Jacob Cuyler to the office of deputy commissary-general to the northern department, and is in the words following, vizt:

"GENTLEMEN—Your letter of the nineteenth instant, with the papers enclosed in it, have been laid before the Council of Safety. The attention which the Congress has been pleased to pay to the distresses of this State gives great and general satisfaction, and you will be pleased to present to that Honourable House the most sincere thanks of the Council. This instance of benevolence and concern for the welfare of this State will tend not a little to conciliate and ensure the affections of its inhabitants, and animate them to persevere with alacrity in giving all the support in their power to the common cause of America.

"It is with pleasure the Council learn that the defection of the northeastern parts of this State will soon be taken into consideration, and they flatter themselves that the resolutions of Congress on that subject will be such as to do full justice to this State, as well as full justice to the reputation of the members of that House, which has been greatly injured by suggestions of their encouraging the people in that quarter to revolt from the State.

"Certain persons deputed by them to repair to Philadelphia, for purposes unnecessary to mention, did on their return openly and publicly declare that the majority of the members of Congress favoured their defection, and by giving a degree of weight to their unwarrantable designs. The very silence of Congress is urged as an argument of the truth of the assertion, and it derives plausibility from the universal practice of mankind, who are ever ready to disavow an agency in dishonourable measures unjustly imputed to them.

"The Council most ardently wish to prevent the evil which the treasonable designs of that part of our State, if persevered in, will occasion; the Congress will be induced to disapprove of their machinations, or at least pointedly deny that those malcontents received countenance and encouragement from them.

"The Council are clearly of opinion that a change should long since have been made in the deputy commissary-general's department, and approve of your recommendation of Mr. Jacob Cuyler to that place.

"In one of the Council's last letters you were desired to move for a resolution of Congress for directing the report of the committee respecting the cruelties exercised by the

enemy towards their prisoners, together with the affidavits referred to in it, to be printed in a pamphlet, and that you purchase a thousand copies for the use of this State. If this has not been already attended to, the Council wish it may no longer be delayed.

"I am, gentlemen, &c.

"To the Honble. the New-York Delegates."

A draft of another letter to the said Delegates on the subject of the revolt in the northeastern part of this State, was read, and is as follows, to wit:

"GENTLEMEN—Major Wheelock will be the bearer of this. The Council are informed that he can give you useful information respecting the defection of the northeastern parts of this State, and for that purpose have requested him to repair to Philadelphia. This gentleman is in the service of this State and seems much attached to its interest. This disposition you will doubtless cherish by a due degree of attention.

"You will please not to detain him longer than may be absolutely necessary.

"I am, with respect, gentlemen,

"Your most obt. humble servt.

"*P. S.* The maps and papers respecting the boundaries of this State are nearly completed.

"Honourable Delegates of the
State of New-York at Congress."

Also a draft of a letter to Mr. Duer, one of our Delegates in Congress, in answer to his of the nineteenth of June last, requesting leave to absent himself from Congress for a short time to attend to his private concerns, is as follows:

"SIR—Your letter of the 19th ultimo has been received and laid before the Council. They are sensible of the inconveniences to which your long absence must subject you and therefore consent to your returning for the time you request. They nevertheless wish your journey may be postponed until the sense of Congress respecting our revolted subjects shall be obtained. The Council hope the Legislature will provide that the delegation be such as that your worthy colleague may at proper intervals be relieved.

"I am with respect, sir,

"Your most obt. humble servt.

"The Honourable WILLIAM DUER, Esqr."

Ordered, That copies of the said letters be engrossed, and signed by the President, and transmitted by Major Wheelock.

Resolved, That Major Wheelock be allowed three dollars per day for his expenses while on his journey to Philadelphia and back to this place.

Ordered, That the Treasurer of this State advance to Major John Wheelock the sum of one hundred dollars on account, and take his receipt for the same.

A draft of a letter to the Honourable Francis Lewis, Esqr. in answer to his, was read and approved of, and is as follows, vizt:

"SIR—Yours of the thirty-first of May and seventh of June have been received and laid before the Council of Safety; and I am directed to request you will desist from the purchase of any more salt on account of this State, forwarding whatever you may have purchased by the most convenient route, together with the cros-cut saws and cinnamon. And as soon as you have settled the accounts of costs concerning the appeal for the brig Minerva, you will be pleased to send your accounts to this place, in order to enable us to make a final settlement with Captain Rogers's crew, as we have ordered the Montgomerie to be sold, and daily expect Captain Rogers here to close the accounts.

"I am, with respect, sir,

"Your humble servt.

"To Honbl. FRANCIS LEWIS."

Ordered, That the same be engrossed, and signed by the President, and transmitted.

Mr. Robert R. Livingston has leave of absence for a week from next Monday.

Council adjourned until 4 o'clock this afternoon.

DIE JOVIS, 4 *ho. P. M. July* 3, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

General Scott, Mr. Harpur, Major Tappen, Mr. Platt, Major Van Zandt, Colo. De Witt, Mr. Tredwell, Mr. Morris, Mr. Jay, Mr. Yates.

Ordered, That the Treasurer of this State advance to Colo. Pierre Van Cortlandt, on the credit and account of the county of Westchester, the sum of seventy dollars on account of his wages as a Deputy for the said county in the late Convention of this State.

A return from the sheriff of Orange county of the number of votes, and the gentlemen voted for, as taken by the said sheriff from the ballots and poll lists that were taken at the different places of elections in the said county for Governor, Lieutenant-Governor and Senators, was received and read. Thereupon,

Ordered, That the said sheriff do transmit to this Council, (with the utmost despatch,) the ballots and poll list taken at the elections held in the said county for Governor, Lieutenant-Governor and for Senators, for the middle district of this State.

A letter from Colonel Henry B. Livingston, dated the first instant, enclosing a copy of general orders, relative to settling the rank of officers, as also a rank roll of his regiment, as settled by the field officers of his regiment, was received, read and filed.

Ordered, That the said letter be referred to Mr. Jay, Colonel De Witt and Mr. Harpur.

A letter from General George Clinton, by express, dated yesterday, enclosing a copy of a letter from General Washington, dated at Middle Brook the first instant, was received and read, and is in the words following, to wit:

"*Fort Montgomery*, 2*d July*, 1777.

"SIR—In consequence of a letter this day received from His Excellency General Washington, of which I enclose you a copy, I have issued orders to Colonels Brinkerhoff, Ludington, Humphreys and Freer, of Dutchess county, to march their regiments to Peekskill, to reinforce the army under General Putnam; and Colos. Woodhull, Allison, McCloughry and Hasbrouck, their regiments to reinforce this garrison; and Colo. Hathorn's regiment to the posts near Sydnam's bridge. I have omitted sending similar orders to the regiments in the upper end of Ulster and Dutchess counties, lest the situation of affairs to the northward might not admit of their coming this way; but should the contrary be the case, I beg the Council will order those regiments to Peekskill and this place.

"I am, with due respect,

"Your most obdt. servant,

"GEO. CLINTON.

"To the Honourable the President of the
Council of Safety."

"HEAD-QUARTERS,
"*Camp, Middle Brook, July* 1*st*, 1777.

"From intelligence just received from the northward, there can be little doubt that the enemy are operating against Ticonderoga and its dependencies; and from the evacuation of the Jerseys, and the reason of the thing itself, there can be little room to doubt that General Howe will coöperate with the northern army, and make a sudden descent upon Peekskill, in order, if possible, to get possession of the passes, before the troops to defend them can be reinforced by this army. Indeed I am this moment informed that all the enemy's tents were struck to-day at 8 o'clock, and it is supposed they have all embarked, as the ships have all sailed out of Prince's Bay, where they lay, so that you may probably have a very hasty visit. The urgency of the occasion, and the necessity of employing all the resources to baffle the first attempts of the enemy, obliges me to request in the strongest terms, that you will exert yourself to call forth a respectable body of the militia of your State, to strengthen the force at Peekskill, and its appendages. No time should be lost in doing this; the call is to the last degree pressing, and the least delay may

be productive of the most fatal consequences. Let every nerve be strained to forward your preparations, and put you in the best posture of defence possible.

"I am, dr. sir,

"Your most obdt. servt.

"GEO. WASHINGTON.

"General Parson's and General Varnum's brigades march to-morrow morning very early for Peekskill."

Thereupon,

Resolved and Ordered, That the Colonels Southerland and Graham, of Dutchess county, and Lieutenant-Colonels Hornbeck and Elmendorph, of Ulster county, hold themselves and the corps of militia under their respective commands, in readiness without delay, furnished with three days' provision, and properly armed and accoutred, to march at a moment's warning, whenever the said several commanding officers shall receive marching orders; and that copies of this order be sent by express to the said commanding officers.

A draft of a letter to General George Clinton, was then read and approved of, and is in the words following, to wit:

"SIR—Upon the receipt of your letter by express, the Council of Safety proceeded to the immediate consideration of the matters submitted by you to our determination. We think the probability of an attack at Ticonderoga, and a coöperation of General Howe, by an attempt on the posts in the Highlands, a subject of the most serious importance.

"We have not yet received any accounts of an investiture of our northern ports, nor can we determine at present whether it will be most advisable to order the several corps of militia in the counties of Dutchess and Ulster, which you have not put under marching orders, to reinforce either the upper or the lower posts, a short time will probably enable us to direct their route of march; in the mean time, that not a moment may be lost, we have issued orders to the commanding officers of those corps to hold themselves in readiness, with the militia under their respective commands, furnished with three days' provision, to march at a moment's warning.

"I am, with respect, sir,

"Your humble servt.

"To Genl. GEORGE CLINTON."

Ordered, That a copy thereof be signed by the President, and transmitted by express.

The Council proceeded to the examination and telling of the ballots and poll lists of the elections held in the county of Tryon.

After having gone through the same, adjourned until ten o'clock to-morrow morning.

DIE VENERIS, 10 HO. A. M.

July 4, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Major Van Zandt, Mr. Yates, Major Tappen, Mr. Platt, Colo. De Witt, Mr. Harper, Mr. Jay, Mr. Tredwell, Mr. Morris.

A draft of a letter to His Excellency Governor Trumbull, to accompany a copy of the resolution of Congress, recommending to the different States to aid and assist this State with salt and West India produce, was read and approved, and is as follows, to wit:

"SIR—The Council of Safety of this State, have directed me to transmit to your Excellency, the enclosed resolutions of the Honourable the General Congress.

"As the inhabitants of this State are deeply interested in the effects which these benevolent resolutions are calculated to produce, the Council request that the earliest opportunity may be taken to lay them before the Legislature of your State; and they flatter themselves that your Excellency's exertions to give them influence, will on no occasion be wanting.

"I have the honour to be,

"Your Excellency's most obt. humble servt.

"Excellency Govr. TRUMBULL."

Ordered, That a copy thereof be engrossed, and signed and transmitted by the President. And

Ordered, That the President transmit similar letters enclosing copies of the said resolutions to the States of Massachusetts Bay and Rhode Island.

An account of David and William Cox, for casting a quantity of musket balls by order of the committee of Kingston, was produced for payment.

Resolved, That the said account be presented to the committee of Ulster county for payment.

Resolved, That the resolutions of the late Convention of this State of the third day of April last, exempting from all drafts from the militia, any person within this State who should, on or before the first day of June, then next, procure at his own expense, an able bodied man to enlist for three years or during the war, in either of the five Continental regiments raising in this State and commanded by the Colonels Van Schaick, Van Cortlandt, Gansevoort, Duboys, and Henry B. Livingston, be revived, and that they continue in force until the first day of September next.

A letter from Cadwallader Colden, who is confined on board the Fleet prison, requesting permission to go at large on his giving security for his good behaviour, was read and filed.

Ordered To be postponed for further consideration.

A letter from the commissioners of sequestration in Westchester county, relative to the effects of Peter Corney, claimed by his son-in-law Mr. Kennedy, was read, and is in the words following to wit:

"*Peekskill, 25th June*, 1777.

"GENTLEMEN—The commissioners of sequestration for the county of Westchester have received your letter of the 18th instant, respecting the personal effects of Mr. Corney; since which, they have received the enclosed from Colo. Benjamin Birdsall, respecting the exchange of his family, which they now transmit for the satisfaction of the Honble. Council of Safety.

The commissioners beg leave to mention, that at the time Mrs. Canady went to New-York with a flag from General Putnam, who some time since made application for that purpose, she was informed by him that unless she returned with that flag she should not have liberty to return at any other time; that Mrs. Canady has not yet returned, notwithstanding the flag she went with has. The commissioners are of opinion that Mr. Canady will endeavour to convey the negro left by Mr. Corney, and which has been claimed by Mr. Canady, to his wife in New-York; they therefore think it their duty to prevent it if possible, and have given Colo. Birdsall (to whom they refer for particulars,) liberty of taking the negro with him, and return him whenever called for. The commissioners flatter themselves that you, gentlemen, will approve of this matter, particularly when you advert to the enclosed. The commissioners will with pleasure wait the order and direction of the Council of Safety for the sale of the negro if thought advisable, and are, with the greatest respect,

"Gentlemen, your obedt. hble. servts.

"SAML. DRAKE,

"ISRAEL HONEYWELL, JUNR.

"STEPHEN WARD.

"To the Honble. Council of Safety
of the State of New-York."

A certificate which came enclosed in the last aforementioned letter of Mr. Frelove Berdsal and Mrs. Jane Seaman, relative to an exchange of property with one Peter Corney, of Westchester, and now with the enemy, was then read and filed.

Ordered, That the same be referred to General Scott.

On reading a letter from the committee of Mamacotting precinct, directed to Egbert Dumond, Esqr.

Ordered, That Abraham Smith, who is confined in the jail of Kingston, for disaffection, on his paying the expences of his confinement, be discharged.

A letter from George Smith, a lieutenant in Colonel Henry B. Livingston's regiment, relative to a warrant he received for recruiting men in 1776, without any other date, and requesting that the day thereof may be filled up; further, that he has a commission as lieutenant of the said regiment, while at the same time his name is left out of the rank roll thereof, was read.

Ordered, That the Secretary examine the minutes and endeavour to find out the time of issuing the said warrant, and that he certify the same; and that the residue of the said letter be referred to such gentlemen of the late committee of arrangement as are now in Kingston.

The Council were informed that two members of the sub-committee of Dutchess county, who were appointed to superintend the removal of Thomas Fisher and his family, have been guilty of corrupt practice in executing that business. Thereupon a draft of a letter to the commissioners for detecting conspiracies, &c. directing them to make diligent inquiry in the premises, was read and approved, and is in the words following, vizt:

"Gentlemen—It has been suggested to the Council, that two members of a sub-committee of your county, appointed to superintend the removal of Thomas Fisher and his family to New-York, have been guilty of shameful and corrupt practices in the course of that business; particularly that they were bribed to dispense with the restrictions contained in the resolution of Convention on that subject, and did each of them receive cloth for a suit of clothes as a reward for their perfidy.

"The Council think it highly proper that strict and diligent inquiry be immediately made into the truth of these suggestions, and I am directed to inform you that they have imposed that task upon you. A copy of the resolution permitting the departure of Mr. Fisher, is enclosed; you will be pleased, therefore, to inquire and report to this Council, or the Governor of this State, whether any and what indulgences were granted to Mr. Fisher by the sub-committee, contrary to the said resolutions of Convention, and whether there be any and what evidence to support the charge of bribery against them, although the Council would be happy to find, from the result of this inquiry, that those gentlemen are innocent; yet should the contrary be the case, the honour and justice of the State demands that such actions meet with and demand exemplary punishment.

"I am, gentlemen,

"Your most obedient, humble servt.

"To the Commissioners for Conspiracies, &c."

Ordered, That a copy thereof be engrossed, signed by the President, and transmitted.

A letter from Mrs. Gloriana Stevenson, directed to Governeur Morris, Esquire, relative to her cattle, which were driven from Frog's Neck, on the approach of the enemy last summer, into the manor of Cortlandt, and which have since been taken by the committee of the said manor and sold, was read and filed.

Ordered, That a copy of the said letter be transmitted to the committee of the manor of Cortlandt, and that they be requested to inform this Council by what authority and for what reasons they took and sold the cattle mentioned in the said letter.

On reading the petition of Jacob Furler, Junr. Cornelius Furler and Coenraad Mysener, three of the prisoners who were, by a general court martial, adjudged guilty of treasonable practices against this State, and sentenced to suffer death, which said judgment and sentence were, by the late Convention, confirmed. And

Whereas the said Convention did, previous to their dissolution, resolve that the said Jacob Furler, Junior, Cornelius Furler and Coenraad Mysener, be pardoned of the crimes and punishment whereof and whereto they stood adjudged and sentenced as aforesaid, and did resolve and order the said pardons to be issued by this Council, whenever this Council should think proper to issue the same.

Resolved, That the President of this Council do, in the name and by the authority of this Council, issue the said pardons to the said Jacob Furler, Junior, Cornelius Furler and Coenraad Mysenaar, respectively.

On motion of Mr. Jay,

Resolved, That the Secretaries produce to this Council, by Friday next, certified copies of all the resolutions of the late Provincial Congresses and Committees of Safety of the Colony of New-York, and of the late Conventions and Committees of Safety of this State, which create crimes and punishments.

Resolved, That Mr. Harpur be, and he is hereby authorized and requested, to take such steps for the removal of the clothing store from Fishkill to this place, as he may think proper.

Ordered, That Mr. Sheriff Dumont do cause Joseph Penny, who is indisposed and confined in the jail of Kingston, to be removed to the Fleet prison.

Council adjourned until this afternoon, 4 o'clock.

Die Veneris, 4 *ho. P. M. July* 4, 1777.

The Council met pursuant to adjournment.

Present—Pierre Van Cortlandt, Esquire, *President*.

Mr. Harpur, Mr. Tredwell, Mr. Yates, Mr. Tompkins, Colo. De Witt, Major Tappen, Mr. Morris, Mr. Jay, Mr. Platt.

Ordered, That the Treasurer of this State advance to Lieutenant Eleazer Wheelock, of Major Wheelock's corps, on account, the sum of forty pounds, and take his receipt to account for the same.

The Council proceeded to the examination and telling of the ballots and poll lists of the election in Albany county, for Governor and Lieutenant-Governor, and having gone through the same,

The Council adjourned until to-morrow morning, ten o'clock.

DIE SABBATI, 10 ho. a. m.

July 5, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

Present—Pierre Van Cortlandt, Esqr. *President*.

Mr. Cantine, Mr. Tredwell, Mr. Yates, Colo. De Witt, Mr. Harpur, Mr. Morris, Mr. Tompkins, Mr. Platt, Major Tappen.

An account of Joseph Pierson, for provisions by him furnished to the workmen on board the ship Montgomerie, was read, and

Ordered, To be referred to the Auditor-General, who is directed to audit the same for payment.

On the application of Captain Platt,

Ordered, That commissions be made out for Jacobus Swartwout as first in command, Zephaniah Platt as second in command of the associated exempts in Dutchess county; also a commission for John Schenk as second in command of the said exempts in Poughkeepsie and Hackensack districts; also six blank commissions for the other officers of the said corps.

Captain Platt informed the House that the said corps of exempts were preparing to march with the militia to reinforce the garrison at Peekskill, and therefore moved for leave of absence that he might be enabled to join the said corps of exempts.

The question being put, it was carried in the negative.

An account of Robert Yates, Esquire, for his services at Kingston, from the nineteenth day of June to the fifth day of July, in attending a committee to state and report the bounds of this State, and settling the accounts of the secret committee, was produced for payment. Thereupon,

Ordered, That the Treasurer of this State pay unto the said Robert Yates, Esquire, the sum of eight pounds ten shillings for his services, as mentioned in the said account.

The committee to whom was referred the letters and enclosures received from General Schuyler, reported the following resolutions and letter in answer thereto, which were read, amended and agreed to, and are as follows, to wit:

"SIR—Your several favours have been received and laid before the Council, in answer to which I am directed to inform you, that the number of members in the Council of Safety is too small to admit of any of them being sent to Albany, unless on the most urgent necessity; they are therefore sorry to decline a compliance with your request to that purpose.

"I am further directed to inform you, that the Council are equally incapable of affording you any assistance from the militia of the lower counties, a considerable proportion of them having been engaged in actual service for some time past, and of the remainder, which was necessary for the culture of the country—without a due attention to which you cannot but be sensible that the war must speedily terminate to our disadvantage by the attack of an enemy perfectly irresistible—the greater part, at the request of His Excellency the General, have been ordered down to the forts and passes in the Highlands, as will appear by the enclosed copy of General Clinton's letter to us; and the rest are ordered to hold themselves in readiness to march by our resolutions of instant, of which we also enclose you a copy.

"By our resolutions of this day, you will perceive, sir, that the disaffected, confined at Albany, are ordered on board the Fleet at this place, which we hope will remove the disagreeable apprehensions of the people of Albany.

"The Council would be happy, sir, to be informed of the circumstances which General St. Clair adverts to when he says, 'and should the enemy protract their operations, or invest us and content themselves with a simple blockade, we are infallibly ruined.'

"The Council are at a loss for the reasons which can induce the commander at that post to abandon Ticonderoga, since they have been hitherto led to believe that if the enemy are in possession of it, they will have immediate access to Lake George, notwithstanding our garrison in Mount Independence; and that there is no possibility of accomplishing a retreat from that mount; of which circumstances, you, sir, being better acquainted than the members of the Council, they refer to your judgment for taking the most necessary steps on this occasion.

"The letter from Mr. Deane contains intelligence which hath been long since circulated here by emissaries of the enemy, and is in the opinion of the Council rather calculated to raise the spirits of deluded tories, though at the same time, as it may not be quite without foundation, they approve of your orders to General Herkimer to hold his militia in readiness.

"In the month of March last all these different movements of the enemy were set down for the first and afterwards for the fifth of May, and at present it seems the first of July is the critical moment, which may perhaps be deferred, as they cannot gain that assistance from the disaffected which they undoubtedly expect.

"What hopes they may have formed from an attack upon Ticonderoga, we do not know; but it appears to us that if the post is as strong as we have always been informed, a garrison of three thousand within it can defend themselves against double the number without, and we have no idea that Carlton's forces are more than six thousand effective men.

"Upon the whole, the Council being unacquainted with military affairs, direct me to inform you that they cannot pretend to say what real dangers may be apprehended from the northward, or how far they may have been magnified by the dejection which General St. Clair mentioned as prevailing in his garrison.

"But they wish you to consider that every day the militia are out is a great loss to the State, and if this alarm should prove of no consequence, that you would permit them to return to their homes as soon as possible.

"In one of your former letters you mentioned the want of cordage, an article which by the prudent care of the late Convention, the Council might now supply you with if the rope walk erected in this place was not incapacitated from carrying on that necessary manufacture by the want of tar, which, notwithstanding their frequent applications, the public agent has been unable to procure from the city of Albany.

"Some time last winter a number of sick from the northern department, on their way to Pennsylvania, were obliged to stop at this place and continue here under the care of the committee for a considerable time; the expense accruing from the supplies of necessaries to them, amount to the sum of one hundred and thirty-three pounds fourteen shillings. I am further requested, sir, to take your directions whether the accounts are to be audited by the paymaster, the directors of the hospital, or paid by your order from the military chest.

"I am, with due esteem, sir,
"Your humble servant.

"Honr. Major-Genl. SCHUYLER."

The resolution referred to in the said letter was also agreed to, and is as follows, to wit:

Resolved, That the committee of the county of Albany be requested to send to the warden of the Fleet prison at Esopus Landing, under sufficient guard, all the prisoners now confined in the several jails of Albany for treasonable practices against this and the United States, or such of them as the said committee shall think proper, together with a calendar containing their names and the several causes of their commitments; and that the warden do receive the said prisoners and dispose of them according to the direction of the committee for superintending the said prisoners.

Ordered, That the said letter be engrossed, that the President sign and transmit the same, enclosing the said resolution to the Honourable Major-General Schuyler.

The members having agreed not to leave the town, and to meet on the first notice,

They adjourned until Monday morning 10 o'clock.

DIE LUNÆ, 10 HO. A. M.

July 7, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Mr. Jay, Mr. Harpur, Mr. Yates, Mr. Tredwell, Mr. Cantine, Major Tappen, Mr. Morris, Mr. Platt, Colo. De Witt, Mr. Tomkins, Major Van Zandt.

Ordered, That Mr. Tomkins be added to the committee on General Putnam's letter relative to the removing of the stock out of the southern part of Westchester county.

The Council were informed that Major Wheelock, who was appointed to repair to Philadelphia with despatches from this board, prayed to be excused from that service. Therefore,

Ordered, That such parts of the said despatches as relate to Major Wheelock be omitted, and that the order issued to the Treasuser for paying him one hundred dollars to bear his expenses, be countermanded.

On motion of Captain Platt for the sense of this Board,

The question, whether General Clinton's election of Governor and Lieutenant-Governor be published before the ballots and poll list of the election in Orange county be

transmitted by the sheriff of the said county, was put, and carried in the negative.

The sheriff of Orange having returned the names of the candidates and of the number of votes given for each of them, as by him taken from the ballots and poll lists delivered to him by the persons appointed to superintend the election in the said county, thereupon

Ordered, That the Secretary despatch an express to Jesse Woodhull, Esqr. sheriff of Orange county, requesting him without delay, to transmit to this Council, the poll lists and ballots taken for Governor, Lieutenant-Governor, and Senators in the said county.

A letter from Major-General Schuyler, dated the fifth instant, (enclosing despatches to Congress under flying seal,) containing intelligence of the northern army, was read and filed.

A draft of a letter of thanks in answer thereunto, was read and approved.

DIE LUNÆ, 4 *ho. P. M. July* 7, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Mr. Jay, Mr. Morris, Mr. Platt, Mr. Cantine, Mr. Yates, Mr. Tomkins, Colo. De Witt.

Some of the members being on particular business of the Board, and there not being a sufficient number of members present to make a Council to proceed to business, the members present adjourned until to-morrow morning, ten o'clock.

DIE MARTIS, 10 HO. A. M.

July 8, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Mr. Platt, Mr. Harper, Mr. Tomkins, Mr. Cantine, Major Tappen, Mr. Gilbt. Livingston, Colo. De Witt, Major Van Zandt, Mr. Yates, Mr. Jay.

A letter from Cornelius C. Schoonmaker, informing the Council that Alexander Cropsey having knowingly passed counterfeit Continental bills of credit, was, by the committee of Ulster county, apprehended and committed to the jail at Kingston; that the examinations relative to this matter, are in the possession of Daniel Graham, Esqr. chairman of the committee of the said county; that bills by him passed, are in his, Mr. Schoonmaker's hands; and that the principal witness is Benjamin Freer, of New-Marlborough precinct, was read and filed.

Ordered, That Mr. Schoonmaker be directed to retain the said counterfeit bills until the prisoner be brought to trial. That Mr. Graham preserve the said examinations, and cause the said Benjamin Freer to be bound in recognizance to attend the first court of oyer and terminer to be held in Ulster county, as a witness.

A letter from Egbert Benson and Peter Cantine, Junr. Esquires, was read and filed.

They inform the Council that Jack, a negro man, slave of Mr. George Janaway, entered the house of Mr. Thomas Henderson in the night, who being absent, and beat and abused the wife of Mr. Henderson in a most cruel and inhuman manner, probably with an intent to ravish her; that the said negro is apprehended; and the said gentlemen request that proper persons may be immediately appointed to try him, as they conceive his crime requires a speedy punishment.

A draft of a letter in answer thereto, was then read and approved, and is in the words following, to wit:

"GENTLEMEN—Your letter of the seventh instant has been laid before the Council: they are happy to hear the atrocious villain you mention is secured; let him be kept in irons. Burglary is not of the number of those crimes for which justices of the peace are authorized to try slaves.

"He has confessed himself guilty of that crime and therefore his conviction for it will be certain. The other charge can not, it seems, be so well supported. For these reasons the Council think he should be referred to the next court of oyer and terminer, &c. to be held in your county. Besides, it is not in the power of the Council to appoint justices of the peace.

"We are, gentlemen,

"Your humble servants.

By order.

"EGBERT BENSON and PETER CANTINE, Esqrs."

Ordered, That a copy thereof be signed by the President and transmitted.

Adjourned until 4 o'clock this afternoon.

DIE MARTIS, 4 *ho. P. M. July* 8, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Mr. Morris, Mr. Jay, Mr. Cantine, Mr. Tappen, Mr. Harpur, Mr. Robt. Livingston, Colo. De Witt, Mr. Yates, Major Van Zandt, Mr. Platt, Mr. Tomkins.

A letter from Genl. Schuyler, dated at Still Water the seventh instant, enclosing a copy of a letter from Genl. Learned to him, dated the same day, was read.

A letter from General Ten Broeck, dated the seventh instant, informing that our troops have evacuated Ticonderoga and Mount Independence, was read and filed.

The same was immediately taken into consideration: And thereupon,

Resolved, That Mr. Yates and Mr. Robert R. Livingston, do forthwith repair to Head-Quarters in the northern department, and confer with Major-General Schuyler upon such measures as may from time to time appear necessary to be pursued by this State, for the aid and support of the said department, and that they do correspond with this Council.

Ordered, That a copy of General Learned's letter, and an extract of General Schuyler's letter, be transmitted by express to General Putnam.

Ordered, That the several members who are appointed on committees do meet to prepare and bring in their reports.

Adjourned until to-morrow morning ten o'clock.

DIE MERCURII, 10 HO. A. M.

July 9, 1777.

The Council met pursuant to adjournment.

Prayers, as usual.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Mr. Cantine, Mr. Jay, Mr. Morris, Mr. Tomkins, Mr. Platt, Major Van Zandt, Major Tappen, Mr. Gilbt. Livingston, Mr. Harpur, Colo. De Witt.

A letter from John Henry, commissary of the clothing store, requesting a power to impress teams, &c. and that an augmentation to his pay be made, was read, and

Ordered To lie on the table.

A letter from Jesse Woodhull, Esqr. accompanying the poll lists and ballots taken at the elections in Orange county, sent by the sheriff, pursuant to an order of this board, was read and filed.

Egbert Dumont, Esqr. sheriff of Ulster county, pursuant to the order of the thirteenth, reported that he, with the assistance of Johannes Sleght, Cornelius Jansen and Abraham Freer, Esquires, fixed the price of every meal served to the prisoners by the jailer, and at that rate there is due on his account the sum of ten pounds ten shillings.

Resolved, That this Board do approve of the said report.

Ordered, That the Secretary write to Mr. Christopher Bancker, and inform him that this Board require that he do without delay inform them whether he accepts of his appointment of commissary of prisoners of war in this State.

Resolved, That the commissioners for detecting and defeating all conspiracies, &c. be authorized and requested to purchase and cause to be kept at the expense of this State, two good able horses, for the use of such express riders as may, from time to time, pass through Poughkeepsie with public despatches, and who by the failing of their horses may stand in need of fresh horses; that the said commissioners do cause all such riders as may, from time to time be employed on account of the Continent, to pay for the use of the said horses, and that an account be rendered of the same.

Resolved, That Major Tappen be authorized and requested, in like manner, to purchase two horses to be by him kept at Kingston, for the like purposes and under the like regulations.

Ordered, That Colonel Lasher be requested to cause the iron field pieces manufactured in the manor of Livingston, to be properly proved, and if the said field pieces shall stand a good proof, that he do cause the same to be properly mounted on field carriages, and see that proper ball, ammunition, &c. are prepared for the same.

Council adjourned until 4 o'clock this afternoon.

DIE MERCURII, 4 *ho. P. M. July* 9, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Mr. Platt, Mr. Tomkins, Colo. De Witt, Mr. Cantine, Mr. Gilbt. Livingston, Major Van Zandt, Major Tappen, Mr. Harper, Mr. Morris.

WHEREAS Thomas Willis, a master's mate of one of the British ships of war, taken prisoner by Captain Rogers, of the armed sloop Montgomerie, belonging to this State, and carried into the State of Connecticut: AND WHEREAS Colonel John Broome hath, on behalf of this State, taken the parol of the said Thomas Willis, to go to New-York, on the like terms, as those of our troops taken on Lake Champlain last year were permitted by General Carlton to return to their respective homes.

Resolved, That the Council do approve of the act of Colonel Broome in the premises, and that they consider the said Thomas Willis as a prisoner of war, to be exchanged for an inhabitant of this State.

Resolved further, That Colonel Broome be requested to apply to some proper officer for a flag or passport for the said Thomas Willis, to enable him to repair to the city of New-York.

The Council of Safety having examined the poll lists and ballots, returned by the sheriffs of the respective counties, of the several elections held in the said counties for Governor and Lieutenant-Governor of this State, and for Senators for the respective districts thereof, where the same have been elected, do find and declare that the number of votes given for Governor and Lieutenant-Governor of this State, and for Senators for the middle, northern and eastern districts thereof, are as follows, vizt:

CANDIDATES FOR SENATORS IN THE WESTERN DISTRICT.

COUNTIES.	Abm. Yates, Junr.	Rineer Myndertse.	Any. Van Schaick.	Dirck W. Ten Broeck.	Jellis Fonda.	Isaac Paris.	Nichs. Herkemar.	Jerm. Van Rensselaer.	Jacob C. Ten Eyck.	John Ten Broeck.	Wm. B. Whiting.	Abm. Ten Broeck.	Christr. Yates.	Jacob Cuyler.	Leond. Ganseroort.	Robt. Yates.	Robt. Van Rensselaer.	Volkert Douw.	John Moore.	John Younglove.	George Palmer.	Walter Livingston.	Henry Bleecker.	Corns. Van Vechten.	Henry Outhoudt.	George Clark.	John H. Ten Eyck.	Peter Cantine.	John Cuyler.	Killian Van Rensselaer.	John Ball.	William Harper.	Willm. Wells.	Peter Vroman.	Colo. Roeseboom.	Matw. Mines.	John Veder.	Samuel Clyde.	John E. Van Eps.	Hen. Herkimar.	John Barkly.
Albany,	673	607	347	517	385	482	436	285	25	17	130	196	4	66	2	7	2	4	1	12	12	1	3	17	2	57	2	26	2	1	..	..	..	..	.	..	..	..	..	..	2
Tryon,	451	465	392	388	171	421	54	..	..	..	1	1	..	..	..	..	..	1	186	..	..	..	..	..	..	124	..	..	..	..	21	51	30	24	24	24	10	1	20	37	
Total,	1124	1072	739	905	556	903	490	285	25	17	131	197	4	66	2	7	2	5	187	12	12	1	3	17	2	1 1	2	26	2	1	21	51	30	24	24	24	10	1	20	37	2

CANDIDATES FOR SENATORS IN THE MIDDLE DISTRICT.

COUNTIES.	Levi Pawling.	Arthur Parks.	Henry Wisner.	Colo. Jesse Woodhull.	Zephania Platt.	Major Jon. Langdan.	Gilbt. Livingston.	Colo. Swartwout.	Ephm. Paine.	James Livingston.	Maes Kink.	Doct. Crane.	Mathew Cantine.	Colo. Allison.	Major Fisher.	Anthony Hoffman.	Henry Wisner, Junr.	Jacob Hasbrouck.	Colo. Hasbrouck.	Colo. Snyder.	Colo. Cors. Wynkoop.	Colo. Hardenbergh.	Jacobs. Bruyn.	Charles De Witt.	Judge Coe.	Wm. Ellison.	John Harug.
Dutchess,	307	....	246	261	309	340	....	5	85	7	13	17	69	34	....	....	....	..	..	..	..	..	..	311			
Ulster,	510	429	388	413	262	231	160	173	..	..	..	..	22	29	1	2	7	1	1	1	1	2	1	72			
Orange,	251	163	252	209	208	118	40	135	..	..	..	..	..	1	....	....	....	..	..	..	..	..	..	96	81	1	1
	1068	592	886	883	779	689	200	213																479			

SENATORS FOR EASTERN DISTRICT.

WILLIAM DUER, JOHN WILLIAMS, ALEXANDER WEBSTER.

This Council do therefore declare that George Clinton, Esquire, is duly elected Governor of this State. And the said Council do further declare, that the said George Clinton is also duly elected to be the Lieutenant-Governor of this State. And this Council do hereby further declare, that Levi Pawling, Henry Wisner, Jesse Woodhull, Zephaniah Platt, Jonathan Landon and Arthur Parkes, Esquires, are the Senators chosen in and for the middle district of this State; that Abraham Yates, Junr. Rinier Mynderse, Dirck W. Ten Broeck, Isaac Paris, Anthony Van Schaaick and Jellis Funda, Esquires, are the Senators chosen in and for the western district thereof; and that Alexander Webster, William Duer and John Williams, Esqrs. are the Senators so chosen in and for the eastern district of the said State.

A draft of a letter to His Excellency George Clinton, Esqr. was then read and approved of, and is in the words following to wit:

"SIR—I am directed by the Council to present you their congratulations upon your being elected by the free suffrage of the freeholders of this State, to the office of Governor, and also of Lieutenant-Governor; at the same

time I am to desire that you will make such arrangement of your affairs, as to come with all convenient speed to this place, to take the oath of the office which you shall think proper to accept of, according to the ordinance of the late Convention, and likewise to signify your resignation of one of them, to the end that a new election may be held.

"I have the honour to be, with the greatest respect,

"Your Excellency's

"Most obedient and humble servant.

"To His Excellency George Clinton, Esqr."

Ordered, That a copy thereof be engrossed, signed by the President, and transmitted to His Excellency.

Adjourned until to-morrow morning 10 o'clock.

DIE JOVIS, 10 ho. a. m.

July 10, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

Present—Pierre Van Cortlandt, Esqr. *President*.

Mr. Morris, Mr. Platt, Mr. Tredwell, Colo. De Witt, Mr. Jay, Major Van Zandt, Major Tappen, Mr. Gilbert Livingston, Mr. Cantine.

Mr. Jay informed the Council that Mr. Robert R. Livingston, by letter, informed him that the circumstances of his family are such, as to render his going to Albany extremely difficult. Therefore,

Resolved, That Mr. Robert R. Livingston be taken from the committee appointed to repair to Head-Quarters in the northern department, and confer with Major-General Schuyler, upon such measures as may from time to time appear necessary to be pursued by this State, for the aid and support of the said department; and that Mr. Morris be put on the said committee in his stead. Mr. Livingston's family being so circumstanced as not to admit of his absence at present.

Ordered, That Mr. Jay be added to the committee of intelligence.

The petition of Walter Stouter, a prisoner under sentence of death, praying to be restored to his former liberty, and a petition of sundry freeholders and inhabitants of the Old Paltz, soliciting that the prayer of the prisoner's petition may be granted, were respectively read and filed.

Whereas the said Walter Stouter was by a general court martial, held at Fort Montgomerie, the day of tried and convicted of treasonable practices, against this and the United States, and sentenced to suffer death, which said sentence was by the late Convention of this State confirmed: And whereas the said Convention of this State willing to mitigate the rigour of justice, did resolve that the said Walter Stouter be pardoned of the crimes and punishment, wherewith and whereto he stood convicted and sentenced as aforesaid; and did authorize and direct this Council to issue the said pardon whenever they should deem the same proper.

Resolved, That the President do in the name and by the authority of this Council issue a pardon to the said Walter Stouter accordingly.

Ordered, That Mr. Sheriff Dumont, do cause to be erected in the most convenient part of the yard belonging to the court house, a privy for the use of the members of this Council.

Mr. Platt has leave of absence until Monday next.

Ordered, That Mr. Cantine pay unto Peter Dumont the sum of five dollars to defray his expenses in coming to this Council with some intelligence relative to the Indians; and that the Treasurer repay Mr. Cantine out of the treasury of this State.

The Auditor-General informs the Council that Captn. Rogers hath appeared to audit the accounts of the sloop Montgomerie, upon which arise the following doubts: First, Whether the crew should be paid their wages at the rate of twenty-eight days to the month. Secondly, Whether some articles taken by Captain Rogers from one of the prizes for his own use shall be charged to him. And thirdly, Whether the accounts shall be settled with the crew from the face of the accounts transmitted by Francis Lewis, Esqr. without deducting their expenses attending an appeal prosecuted before Congress for one of the prizes of the said sloop, charging the said expenses to account of moneys due the said sloop, in the hands of Joseph Hallet, or whether the said expense shall be deducted.

In answer to which,

Resolved, As there is a doubt how the said crew ought to be paid, therefore in consideration of their loss by the neglect of the agents formerly appointed for their prizes, that they be paid at the rate of twenty-eight days to the month.

Resolved, That the captain be charged with the articles above mentioned except the bolt of oznaburgs and hogshead of ale, taken for the use of the crew. And

Resolved, That the expenses of the said appeal be liquidated in the account of moneys due said sloop from the said Joseph Hallet.

Resolved and Ordered, That Colonel John Broome be and he is hereby authorized and directed out of the moneys arising from the sale of the armed sloop Montgomerie to pay unto Captain William Rogers, late commander of the said sloop, the sum of four thousand pounds on account of the prize money due to him and the crew of the said sloop.

Adjourned until this afternoon at 4 o'clock.

Die Jovis, 4 *ho. P. M. July* 10, 1777.

The Council met pursuant to adjournment.

Present—Pierre Van Cortlandt, Esqr. *President*.

Mr. Tredwell, Mr. Cantine, Colo. De Witt, Mr. Morris, Mr. Jay, Major Van Zandt, Major Tappen, Mr. Gilbt. Livingston, Mr. Harper.

The warden of the Fleet prison, by letter informs the board that there are just arrived from Albany, in two sloops, eighty prisoners, to be confined on board the Fleet prison; that as many of them are charged with heavy crimes, and the guard who attended them down are to return immediately, the warden thinks the present guard too weak, and therefore requests that some members be sent down to assist in the disposition of the present guard and the prisoners.

Ordered, That Major Van Zandt and Mr. Cantine, taking to their assistance the sheriff of Ulster, do immediately proceed to the strand and give such direction with respect to the guard and disposition of the said prisoners.

On the application of Mrs. Pemberton, wife of William Pemberton, confined in the jail of Kingston,

Ordered, That she be permitted to go to Albany and return to this place with her effects.

A letter from Abel Belknap, chairman of the committee of Newburg precinct, relative to Benj. Smith, who was discharged by this Council, and signifying their dissatisfaction with the conduct of the Council in discharging from confinement, persons who, in the opinion of the said committee, ought to continue in confinement, was read, and ordered to lie on the table.

Adjourned until to-morrow morning 10 o'clock.

DIE VENERIS, 10 ho. a. m.

July 11, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

Present—Pierre Van Cortlandt, Esqr. *President*.

Mr. Cantine, Major Van Zandt, Mr. Tredwell, Major Tappen, Mr. Gilbt. Livingston, Mr. Jay, Mr. Harper, Colo. De Witt.

Ordered, That the Treasurer of this State advance to the commissioners for detecting and defeating all conspiracies, &c. the sum of five hundred pounds on account, and that he pay the said sum to Melancton Smith, Esqr. one of the said commissioners, and take his receipt for the same.

A letter from Genl. Schuyler, dated at Fort Edward, July 9th instant, signifying his astonishment at the conduct of the general officers in evacuating Ticonderoga, was read.

Ordered, That a copy of so much of General Schuyler's letter as relates to the evacuation of Ticonderoga, be transmitted by express to General Putnam.

A draft of a letter to General Putnam on the subject was then read, and is as follows, to wit:

"SIR—The Council have directed me to transmit to you by express, the enclosed copy of a letter from General Schuyler. They think it of importance that you should, from time to time be apprised of the situation of affairs in the northern department, and will omit no opportunities of communicating to you whatever intelligence they may receive from that quarter.

"The evacuation of Ticonderoga appears to the Council highly reprehensible, and it gives them great pain to find that a measure so absurd and probably criminal should be imputed to the direction of General Schuyler, in whose zeal, vigilance and integrity the Council repose the highest confidence.

"I have the honour to be,
"Yours &c.

"Major-General PUTNAM."

Ordered, That a copy thereof be engrossed, and signed by the President, and transmitted (together with a copy of Genl. Schuyler's letter) to General Putnam by express.

A letter from Colonel John Broome, dated at Hartford, the fifth instant, informing that pursuant to the order of Council, he hath disposed of the sloop Montgomerie for three thousand five hundred and fifty pounds, lawful money, was read and filed.

Ordered, That an express be sent to Mr. Robert R. Livingston, requesting that he repair to this Council without delay.

Ordered, That Colonel Lasher do, as soon as possible, cause to be made up twenty thousand musket cartridges and a proportion of ball, and that Mr. Cantine see this order executed.

Ordered, That the Colonels Graham and Sutherland in Dutchess county, and the Lieutenant-Colonels Hornbeeck and Elmendorph in Ulster county, do without delay cause an exact return to be made to this Council of the state of the regiments under their respective commands, as to number of men, arms, ammunition, &c.

A letter from the marine committee of Congress, dated at Philadelphia. June the twenty-sixth, directing proper persons (under the rank of captain) as officers for the frigates to be appointed, was read, and is as follows, vizt:

"IN MARINE COMMITTEE,
"*Philadelphia, June 26, 1777.*

"GENTLEMEN—We are informed by a letter from the captains of the Continental frigates in Hudson's river; that the general officers sent by His Excellency General Washington to view the fortifications and obstructions in said river, were of opinion that the frigates would be serviceable in defending and covering the same; and we find by an extract from your minutes enclosed in said letter, that you were of the same opinion; in consequence whereof, we have now given orders to the said captains to have the frigates put in as good a state of defence as can be admitted, and to follow and obey such orders as they may receive from General Washington or the commanding officer who may direct the operations in that quarter.

"We must beg your assistance in getting the ships fitted, and we now take the liberty to enclose a sufficient number of blank commissions and warrants for the lieutenants and other officers, who are to be appointed temporarily until such time as we are sufficiently informed that they are well qualified for the stations in which they may be put; therefore you will please to fill up the commissions with this proviso. And we have required the captains to join with you in your researches for men of good character, whom you can freely recommend for a permanent establishment in our navy. We must further beg leave to trouble you to send us a list of their names, stations and qualifications, and have the honour to be,

"Gentlemen, your very obedt. servts.
"JOHN HANCOCK,
"ROBT. MORRIS,
"H. Z. MARCHANT.
"ROGER SHERMAN,
"GEO. FROST,
"PHIL. LIVINGSTON,
"NICHS. VAN DYKE,
"BENJ. HARRISON,
"GEO. WATSON.

"The Honourable the Council of Safety
for the State of New-York."

Blank commissions for those officers were received by the same opportunity, and filed.

Ordered, That Mr. Tredwell repair to the Highlands to make inquiry what officers, under the rank of captain, are on board those ships, their characters, &c. And further, that he endeavour to find out proper persons for those officers, if those on board should be deficient in number or qualifications, and report the same.

A draft of a letter to General Schuyler, in answer to his received this day, was read and approved, and is in the words following, vizt:

"SIR—The Council have received your letter of the ninth instant, and forwarded the one it enclosed to General Washington by express. The evacuation of Ticonderoga is very extraordinary. They readily acquit you of any agency in that measure, and hope you will treat such insinuations with the same contempt and indifference they do. The Council direct me to assure you of their readiness to comply with all requisitions you may make, and which may be in their power to perform. They are persuaded that your exertions will be such as to merit the approbation of your country, whatever may be the event.

"I have the honour to be, &c.

"Major-Genl. SCHUYLER"

Ordered, That a copy thereof be engrossed, signed by the President, and transmitted by the express now returning.

It being suggested to the Council, that the office of victualler to the Fleet prison can, with greater convenience and regularity, be executed by the warden of the said prison,

Resolved, That Mr. Charles Giles, who is appointed to the office of victualler to the Fleet prison, be discharged from his said office on the twenty-eighth instant, and that Captain Henry Benson be appointed to execute the said office from that day.

A certificate, dated Peekskill, June the twenty-fifth, signed by Dr. Putnam, A. D. C. that Solomon Wright, of New-Marlborough precinct, (who having been over to the enemy and is returned) hath taken the oath of allegiance to this State, was received, read and filed.

Ordered, That the President issue a pardon to him, pursuant to the ordinance of the late Convention.

A letter from John Eisenlord and Frederick Fisher, commissioners of sequestration in the county of Tryon, requesting instructions relative to property claimed, was read and filed.

Ordered, That a copy of the resolutions of the late Convention on that subject be transmitted to the commissioners, and that they be informed that this Council do not think it expedient to alter the same, but that they doubt not that the Legislature will remedy the matter.

Adjourned until to-morrow morning 10 o'clock.

DIE SABBATI, 10 HO. A. M.

July 12, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

PRESENT—Pierre Van Cortlandt, Esqr. *President.*

Major Tappen, Mr. Harpur, Mr. Tredwell, Mr. Jay, Major Van Zandt, Mr. Gilbert Livingston, Mr. Cantine, Colo. De Witt.

The memorial of John Wheelock, Esqr. setting forth his inability to raise the number of men in the northeastern part of this State, as stipulated by the resolutions of the late Convention, to entitle the officers of the corps to commissions; that at the most only eighty men are engaged, part of whom are now at Fishkill, pursuant to the order of this Board—the memorialist prays the Council to determine whether they think it expedient to confirm the said corps—was received, read and filed, and

Ordered, That the same be committed to Mr. Jay, Mr. Robt. R. Livingston and Colo. De Witt.

Then adjourned until this afternoon, 4 o'clock.

DIE SABBATI, 4 *ho. P. M. July* 12, 1777.

The Council met pursuant to adjournment.

The President and some members met, and agreed to meet again to-morrow morning, and attend the arrival of any despatches.

DIE SOLIS, 10 HO. A. M.

July 13, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *President.*

Mr. Tappen, Mr. Harpur, Mr. Tredwell, Mr. Jay, Major Van Zandt, Mr. Gilbert Livingston, Mr. Cantine, Colo. De Witt.

No material intelligence or business offering,

Adjourned until to-morrow morning, 10 o'clock.

DIE LUNÆ, 10 HO. A. M.

July 14, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

PRESENT—Pierre Van Cortlandt, Esqr. *President.*

Mr. Jay, Mr. Harpur, Major Tappen, Genl. Scott, Mr. Tredwell, Mr. Gilbert Livingston, Major Van Zandt, Colonel De Witt.

A letter from His Excellency Governor Clinton, dated at Fort Montgomerie, the eleventh July, 1777, was received, read, and is in the words following, vizt:

"*Fort Montgomery, 11th July*, 1777.

"GENTLEMEN—Your favour of the 9th instant by express, is received. I am to thank you for your kind congratulations upon the honour conferred on me by the people. If I was left to consult my own inclinations, however honourable the offices to which I am elected, I should decline the acceptance of either of them; but as I don't conceive myself at liberty to refuse my services in whatever office I may be placed by the free suffrages of the public, I shall as soon as I can, consistent with my duty to the Continent as their officer, and the safety of the State at this post will admit, repair to Kingston and take the oaths agreeably to your request.

"My appointment as Governor, in my humble opinion, leaves the office of Lieutenant-Governor of course vacant, rendering my election as such, a nullity; in which case a resignation would become unnecessary; but least a difference of sentiment should occasion any delay in ordering a new election for Lieutenant-Governor, I do hereby resign that office.

"From the movements of the enemy to the northward, and late accounts by deserters from the city of New-York, we have the utmost reason to expect the enemy up this river and a sudden attack on this post; this will occasion my steady continuance here till their designs are more certainly known. I am with due respect, gentlemen,

"Your most obedt. humble servt.

"GEO. CLINTON.

"To the Honourable the Council of Safety of the State of New-York."

A letter from the General Assembly of Massachusetts Bay, dated Boston, July 2d, and signed Jer. Powel, President, acknowledging the receipt of the letter from Convention on the subject of the depreciation of paper money, was received, read and filed, and is in the words following, vizt:

"COUNCIL CHAMBER, *Boston, July 2d*, 1777.

"SIR—The letter from your Convention has been received, and also one from the President of the Council of Safety of your State; the latter of which is now under the consideration of a committee of both Houses.

"The State of Massachusetts Bay being greatly alarmed with the depreciation, surplusage and counterfeiting of the paper bills of credit emitted by the New-England States in particular, and the distressed state of their commerce, arising from these and other causes, and considering that these bills have passed freely through the New-England States, and also the State of New-York; that by their vicinity, these States are naturally affected by the operations of each other, that divers laws and regulations of some of them have given great uneasiness to others of them; that for want of timely explanation, destructive jealousies may arise, and for want of consultations and concurrence of measures, the best means of removing those evils may not be discovered, nor any measures supported with sufficient vigour; they have passed the enclosed resolve, and hope it will meet your approbation and concurrence.

"It gives us great concern to find that some of our regulations which were undertaken with the sincerest intentions and expectations of promoting the common welfare should occasion such uneasiness in you. We wish to give satisfaction to a sister State in whose welfare we are so deeply interested and in whose distresses we so sincerely sympathize, and to consult with you a system of conduct under these embarrassments of our internal government and such an exercise of that independency which we enjoy in common with the other States of America, as may conduce to the welfare of the whole. We wish to satisfy you that our internal regulation of which you complain did not arise from a senseless forgetfulness of our own sufferings by the present war, nor a wicked ingratitude to your State, among others, for the great support we received by your pity and relief, much less from an inattention to the voice of humanity and an inclination to build our prosperity on the calamity of our neighbours, but that the prevention of this practice among individuals was the real object of our regulations.

"After all our supposed advantages there is a very great scarcity (real or artificial) of necessary articles with us as well as with you; but we desire you will consider all America as one community, and trust we shall ever take pleasure in relieving the wants and alleviating the distresses of every part thereof.

"In the name and behalf of the General Assembly,

"I am, sir, your most obedt. humble servt.

"JER. POWELL, *President.*

"*P. S.* We have addressed the Honourable Congress on the occasion and subject of this conference in order to obviate any misconstruction of the same. The resolve referred to in the above letter was forwarded by the Secretary by the post last Monday, *via* Providence.

"The Governor of the State of New-York."

The resolution referred to in the above lettter was then read, and is as follows, to wit:

"STATE OF MASSACHUSETTS BAY,
"In the House of Representatives,
June 27, 1777.

"*Resolved*, That the Honble. R. Treat Paine and Azor Orne, Esqr. with such as the Honourable Board shall join, be and hereby are appointed a committee in behalf of this State to meet committees from the General Assemblies of the States of New-Hampshire, Rhode-Island, Connecticut and New-York, at the town of Springfield, in the county of Hampshire, within this State, on the thirtieth day of July next; in case said Assemblies think fit to appoint such committees, then and there to hold a conference respecting the state of the paper currency of the said governments, of the expediency of calling in the same by taxes or otherwise; of the most effectual, expeditious and equal method of doing it, and to consult upon the best means for preventing the depreciation and counterfeiting of the same; and also to consider what is proper to be done with respect to the acts lately made to prevent monopoly and oppression, and to confer upon the late acts for preventing the transportation by land of certain articles from one State to another, and to consider such other matters as particularly concern the immediate welfare of said States, and are not repugnant to or interfering with the powers and authorities of the Continental Congress, and to report the result of their conference to the general court. And the Secretary is hereby directed immediately to transmit authenticated copies of this resolve to the General Assemblies of the States aforementioned.

"And every clause in an act entitled 'An act in addition to and for amending and more effectually carrying into execution an act entitled an act to prevent monopoly and oppression, made the present year,' be and hereby are suspended until the further order of this court, excepting the two first enacting clauses in the act before mentioned, determining the prices certain articles therein enumerated, shall be sold at.

"Sent up for concurrence.

"R. T. PAINE, *Spkr. P. T.*

"IN COUNCIL, *June* 27, 1777.

"Read and concurred in, and Thos. Cushing, Esq. is joined on the part of the board.

"JOHN AVERY, *Dpy. Secy.*

"Consented to by a major part of the Council.

"A true copy.

"Attest."

Ordered, That the said letter and resolution referred to in the same, be committed to Mr. Jay.

Resolved, That the sitting of the supreme court of judicature for this State be adjourned from the last Tuesday of July instant, to the last Tuesday of August next, of which all persons are required to take notice and govern themselves accordingly.

On reading the petition of Elnathan Foster,

Ordered, That he be permitted to visit and abide with his family for the term of one week.

Ordered, That Mr. Gilbert Livingston have leave of absence for five days, on the appearance of Mr. Robt. R. Livingston and Mr. Platt.

Adjourned until the afternoon 4 o'clock.

DIE LUNÆ, 4 *ho. P. M. July* 14, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *President.*

Mr. Jay, Genl. Scott, Major Tappen, Mr. Gilbt. Livingston, Colo. De Witt, Mr. Tredwell, Major Van Zandt, Mr. Cantine

Sundry petitions of inimical persons confined on board the Fleet prison, and in the jail of Kingston, were read. Some of them were ordered to lie on the table, and the residue committed to report thereon their crimes.

Samuel Tid, a person traveling through this place and who says he came from Fort Independence on the evacuation of that post, being suspected to be a deserter, was brought before the Council and examined: And thereupon,

Ordered, That the said Samuel Tid be confined on board Captain Benson's own sloop, until further inquiry can be made as to his political character.

Adjourned until to-morrow morning 10 o'clock.

DIE MARTIS, 10 HO. A. M.

July 15, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

PRESENT—Pierre Van Cortlandt, Esqr. *President.*

Mr. Tredwell, Mr. Jay, Mr. Harpur, Mr. Cantine, Colo. De Witt, Major Van Zandt, Major Tappen, Mr. Platt, Mr. Gilbt. Livingston, General Scott, Mr. Robt. R. Livingston.

The petitions of sundry persons confined on board the Fleet prison, sent thither from Albany, praying to be released from confinement, were read. And

Resolved, That Brigadier-General Ten Broeck be requested to transmit all such parts of the proceedings of the general court martial held at Albany, respecting the persons brought before the said court, and sent from Albany to the Fleet prison, and which have not heretofore been transmitted.

Ordered, That Samuel Herring, of Orange county, confined in Kingston jail, on his taking the oath of allegiance, be discharged.

A letter from General Putnam, dated the twelfth instant, was read, and is in the words following, to wit:

"*Head-Quarters, Peekskill, July* 12, 1777.

"SIR—Received yours from the Council of Safety, with the enclosed copy from Genl. Schuyler. Am greatly astonished at the evacuation of Ticonderoga in the manner it is represented; think there is great fault some where.

"By a woman from New-York last Sunday, am just now informed that a packet arrived there last week on Thursday; brought some advices to Genl. Howe, but what she is unable to say; that the troops were embarked, had orders to take on board 20 days' provision; that several of the principal merchants had put their goods on board; that three transports sailed up the East river last Saturday with soldiers on board; that great fault was found by the officers, that General Howe had made no greater conquest of America; that the enemy designed to attack us east and north.

"By Mr. Storer, quarter-master to Genl. Glover's brigade, direct from Head-Quarters at Morris Town, am informed that Genl. Washington is on the march with his army to this place; that a justice who went to the enemy from Jersey is returned back, says a packet arrived at New-York Thursday last week, and brings advice that the East India Company have declared themselves independent of Great Britain, which has occasioned some new orders to Genl. Howe.

"By a deserter this day come in from Powles Hook, am informed that they have eight regiments there; that forty transports, under convoy of a large ship and six frigates, sailed out of the Hook on the 9th instant; that Genl. Howe's army consists of 19,000 men.

"With esteem, am your obedt. humble servt.

"ISRAEL PUTNAM.

"To the Honourable PIERRE VAN CORTLANDT,
President of the Council of Safety."

A letter from Captain Hodge, of the Continental frigate Montgomerie, dated July the thirteenth, with a list of officers by him recommended for the said ships, together with a copy of a letter from the marine committee to him dated June the twenty-sixth, on the same subject, was read and filed.

Ordered, That Mr. Tredwell, Mr. Platt and Mr. Van Zandt be a committee to report a list and arrangement of proper persons as officers for the Continental frigates.

Mr. Tredwell has leave of absence for ten days.

Ordered, That Mr. Hobart be written to, and requested to attend the Council.

The memorial of Richard Hatfield, in behalf of Joshua Hatfield, late an inhabitant of Westchester county, was received and read, and is in the words following, vizt:

"*To the Honourable the Council of Safety for the State of New-York:*

"The petition of Richard Hatfield, in behalf of Joshua Hatfield, late an inhabitant of the White Plains, in the county of Westchester,

"HUMBLY SHEWETH:

"That the said Joshua Hatfield in and by two several bonds, bearing date the twelfth day of December, in the year of our Lord one thousand seven hundred and seventy-four, became jointly and severally bound, with his son Barns Hatfield, unto one Peter Bonett and John Tompkins, in the penal sum of three hundred pounds, conditioned for the payment of one hundred and fifty pounds, with lawful interest; that the whole of the said moneys (which are now due, with part of the interest,) have been received by the said Barns Hatfield, for his own separate use and behoof (the said Joshua Hatfield being only his security,) that the said Barns Hatfield, some time after the execution of the said bond, to wit, on the fifth day of April, one thousand seven hundred and seventy-six, in order to save harmless and keep indemnified the said Joshua Hatfield, did, together with his brother, Peter Hatfield, for whom the said Joshua Hatfield also became bound as a security, executed a certain bill of sale in the nature of a mortgage for a certain negro boy and stallion, and also for sundry other articles in the same mentioned.

"That at the time the enemy advanced to the White Plains, in November last, they took possession of the said stallion; that the said negro boy is since dead; and that sundry of the articles in the said bill of sale mentioned, have been disposed of by the said Barns Hatfield, and appropriated to his own use, previous to his having joined the enemy, which your petitioner with much regret, mentions has been the case; that there is now standing on the farm of the said Joshua Hatfield, in Dutchess county, about twelve acres of wheat, which was sown by the said Barns Hatfield, previous to his having joined the enemy.

"That your petitioner is of opinion that the articles now undisposed, of those which were mortgaged as aforesaid, are insufficient to indemnify the said Joshua Hatfield, in being security as aforesaid. Your petitioner flattering himself it is not the intention of the Honourable Council of Safety, that persons friendly to the cause of America, should be injured by the misconduct of disaffected persons, takes the liberty of presenting this petition. And although a sale of the wheat aforesaid would amount to a small sum, yet as the said Joshua Hatfield has suffered much by the devastation of his property by the enemy, your petitioner humbly prays that the Honourable Council of Safety will be favourably pleased to grant to the said Joshua Hatfield the wheat aforesaid for his indemnification, and your petitioner shall ever pray.

"RICHARD HATFIELD.

"*15th July*, 1777."

"*Kingston*, 15*th July*, 1777.—The above named Richard Hatfield, being duly sworn, deposeth and saith, that he was a witness to the execution of the said bill of sale above mentioned, to have been executed by the said Barns Hatfield and Peter Hatfield, and that he verily believes the same was executed to indemnify the said Joshua Hatfield in becoming security as above mentioned; and that the facts set forth as above are true, and further saith not.

"RICHARD HATFIELD.

"Sworn the day and year above written, before me, }
"JOHN JAY."

The same being taken into consideration,

Resolved, That it is inexpedient for this Board to interfere in private contracts.

Ordered, That Mr. Platt be added to the committee to confer with Major Wheelock.

Ordered, That Lieutenant-Colonel Elmendorph do, by drafts out of the regiment of militia under his command, furnish a captain and twenty men to guard the prisoners confined in Kingston jail and on board the Fleet prison; and that the said guard do parade at the court house in Kingston, on Thursday next, at 4 o'clock in the afternoon.

Ordered, That Lieutenant-Colonel Hornbeck do in like manner, out of the regiment under his command, furnish a guard of a lieutenant and fifteen men for the like purpose.

Resolved, That the said lieutenant-colonels do cause the said guard to be relieved weekly, by similar drafts from the said regiments of militia, until the company of guards which this board are endeavouring to raise can be completed.

Resolved, That the said drafts be allowed the like pay and subsistence as are allowed to Captain Schoonmaker's company.

Ordered, That the Captains Elmendorph and Bogardus, of Colonel Snyder's regiment, do, by four o'clock this afternoon, furnish a guard of twenty-four men to relieve the guards at the court house and Fleet prison, to be continued until relieved by other guards from the militia.

Colonel Eleazer Patterson (who is sent by the committee of Cumberland county) delivered into Council the following letters and papers, to wit:

A representation from the committee of the said county, dated at Brattleborough, June twenty-sixth last past, and signed by James Clay, Esqr. chairman, giving an account of the state of the said county as to the revolted subjects who set up an independent government.

A letter from Simon Stevens, Esqr. dated Springfield, June twenty-third, on the same subject.

A copy of a certified extract of the proceedings of the Convention of the State of Vermont, dated the fourth day of June last past.

Another copy of a certified extract of the proceedings of the said Convention, of the same date.

A petition of Andrew Naughten, confined in the jail of the said county by the authority of the said Convention.

A letter from Paul Spooner, Esqr. (who was appointed to the office of sheriff of the said county by the late Convention of the State of New-York) declining to exercise the said office.

A certificate from the committee of Cumberland county, dated June the twenty-seventh, signed by James Clay, Esquire, chairman, setting forth the appointment of Colonel Patterson to convey to the Assembly or Convention of New-York the representation above mentioned, with the papers enclosed.

The said letters and papers being read,

Ordered, That they be committed to Mr. Robert R. Livingston, General Scott and Major Tappen.

Adjourned until to-morrow morning 10 o'clock.

DIE MERCURII, 10 HO. A. M.

July 16, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Mr. R. R. Livingston, Mr. Cantine, Major Tappen, Mr. Harpur, Major Van Zandt, Mr. Platt, Colo. De Witt, Mr. Jay.

Resolved, That Captain Frederick Schoonmaker be and he is hereby appointed to raise a company of men similar to the company he lately raised and commanded, pursuant to the resolutions of the late Convention, passed

the twenty-ninth of April last; and to be under the like regulations as to service, pay and subsistence; and to continue in service until the first day of December next, unless sooner discharged.

Ordered, That Frederick Batts and Martin Loop, of the manor of Livingston, confined on board the Fleet prison for disaffection to the American cause, on their taking the oath of allegiance, be discharged, according to the prayer of their petition.

Ordered, That blank warrants for a boatswain and cook for the Continental frigates Congress and Montgomerie, be sent to the commanders of those ships respectively, who are hereby authorized to fill them up with the names of such persons as to them shall appear properly qualified.

Resolved, That the President do issue a pardon to William Kelder (who was, by a court martial held at Fort Montgomerie, May the second, tried, convicted and sentenced to suffer death for treasonable practices against this State) of the crimes and punishment whereof and whereto he stands charged, pursuant to the resolution of the late Convention.

Two letters from Tryon county, the one from the committee at Harpersfield, dated the 4th instant; the other from William Harper, Esqr. dated the 8th inst. informing the Council of their apprehensions of the Indians, and praying the Council to provide means for their protection, were read and filed.

Colo. John Harper and a Mr. Johnston, the bearers of these letters, were examined, and [their examinations] are in the words following, vizt:

"*Ulster County, ss.*—Colo. John Harper, of Harpersfield, in Tryon county, being examined says, that on the twenty-seventh day of June last, Brigadier-General Herkiemer, of Tryon county, with about three hundred and eighty of the militia of that county, met Joseph Brandt at a place called Unadella, on the Susquehannah, to demand of him the reason why he had taken cattle from the people of that place. That he, the said John Harper, was there present as one; that Brandt appeared with several Indian chief warriors with him to hear what the General had to say to them.

"That General Herkiemer delivered his speech tending to peace with the Indian nations.

"That Brandt replied that he was thankful that the General was so peaceably disposed, but as they were hungry they could not speak until they had eaten; that Brandt and his chiefs went away to refresh themselves and returned with upwards of one hundred and thirty warriors, to wit, about 136 or 137 warriors. That Brandt then said to the General he was glad that he and his party were so peaceably disposed, but that by their numbers they appeared to be disposed for war, and if so, he was ready for them. That he farther said, he appeared there because of several things which keeps the minds of the Six Nations uneasy.

"That one reason he assigned was, that the Mohawks were confined and had not the liberty of passing and repassing as formerly.

"2ndly. That their minister, Mr. Stewart, had not liberty to pass and repass to them as formerly, so that they could not carry on their religious worship as formerly.

"3rdly. That forts were built within the lines of the Indians' territory on their lands; that these were the only matters of consequence which made the minds of the Six Nations uneasy, and appeared as if designed against them; that if these things were rectified, it would give their minds ease.

"That General Herkiemer asked if they would be peaceable and do nothing against the country if these things were rectified?

"That to this Brandt replied, that they were in covenant with the King, as their fathers, grandfathers and great grandfathers had always been; that they were steady and not changeable as the wind; that the King's belts were yet lodged among them; that they could not think of being such great scoundrels as to falsify their pledges of trust; that for their parts (meaning the General and his party) they joined the Boston people against the King; that the Boston people were very resolute, but that the King would humble them; that Mr. Schuyler, or General Schuyler, or what you may please to call him, had been very smart on the Indians at the treaty at the German Flatts, and threatened them if they would join the King's party, but was not at the same time able to afford them linen to put a shirt on their backs; that the Indians were not to be scared by Mr. Schuyler's threats; that the Indians had formerly made war on the white people when both the King and the country were together, and now they were opposed to each other, the Indians were not to be frightened.

"That after Brandt had declared their intentions of abiding faithfully to the King, Colo. Cox said if that was their resolution, there need not be any further inquiry; the matter was settled.

"That Brandt then turned to his warriors and spoke to them; that they arose and shouted, and run off for their arms; that in their own camp, about a mile from where the parties were assembled, they took their arms and fired a number of arms, and gave the war whoop.

"That General Herkiemer told Brandt he did not come there for war, and prevailed on him to send a person to detain his warriors at their camp, or prevent their coming to attact the General's party.

"That Brandt's speaker rose, told Genl. Herkimer that they were there ready for them and ready to come to action, all which he said in the most threatening posture. That he then proposed to the General that Mr. Stewart should have leave to go to the upper Mohawk Castle; that the Mohawk Indians and Colo. Butler's wife should also have leave to go to the upper Mohawk Castle; that the people of Unadella should be permitted to remain at home, subjects to their King; that they had complained that they had been obliged to take an oath of allegiance to the Staets, contrary to their consciences; that General Herkiemer told him his party came after tories and deserters, and required Brandt to deliver up those who joined him or were under his protection; that he refused to give up either, but insisted they should remain in possession of their places and subject only to their King; that General Herkiemer agreed to his proposals.

"That Brandt then said, he and his warriors would go away, and that he was himself to go to Oswego to a treaty with Colo. Butler.

"That next day Brandt, with a number of spear men, came and put the tories in possession of their places.

"That General Herkimer and his party came away.

"That he, the examinant, has been informed by an Indian that Brandt is now lying at Onchoghquago recruiting; that he had sent to the different nations, and requested that all those who had any spirit to go to war should join him, and that several came and joined him every day.

"That the Indian told him on the eighth instant, that Brandt was deceiving the white people when he told them he was going to Oswego; that he was recruiting his party to fall on the white people unexpectedly.

"That the Indian who informed the deponent run some risk to give that information, and desired that his name may be concealed.

"JOHN HARPER.

"Sworn and examined by me, }
"July 16th, 1777. }
"JOHN MCKESSON, *Nots. Pubs.*"

"*Ulster County, ss.*—William Johnston being examined, says, that on the second day of June, Joseph Brandt came up from Onchoghquaga to Unadella, with between seventy and eighty warriors; that they came out of the Indian territory, and within the division line between the Indians and inhabitants about one mile; that Brandt and

his party sent for the officers of the militia company, and the minister of Unadella, and informed them that they were in want of provision; that if they could not get it by consent they must take it by force; that Joseph Brandt told the officers that their agreement with the King was very strong, and that they were not such villains as to break their covenant with the King; that they were naturally warriors, and that they could not bear to be threatened by General Schuyler; that they were informed that the Mohawks were confined, that they had not liberty to pass and repass as formerly; that they were determined to be free, as they were a free people, and desired to have their friends removed from the Mohawks river, lest, if the western Indians should come down, their friends might suffer with the rest, as they would pay no respect to persons; that the inhabitants being but weak and defenceless, they let them have some provision; that the said Brandt and his party, after staying about two days at Unadella aforesaid, took eight or ten head of horned cattle and some sheep and hogs, and then returned to Oneoghquaga again; that those of the inhabitants who were friendly to the cause of America, removed with their families and effects to places of more safety; that the examinant then went to the officers of Tryon county and informed them of the matter; that General Herkimer went with a party of men to Unadella.

"WILLM. JOHNSTON, Junr.

"Sworn and examined this 16th July, 1777, by me.
"John McKesson, *Not. Pub.*"

Ordered, That the said letters and examinations be referred to Mr. R. R. Livingston, Mr. Cantine and Mr. Platt.

A letter from Stephen Kinney, Esqr. chairman of the committee of Claverack, enclosing a petition of Asa Lanfear, Samuel Leonard, Gideon Gilford and David Southard to the said committee, praying to be recommended to the Council of Safety, that they may be liberated from their confinement.

The said committee, by their letter, accordingly recommended to the Council that the said prisoners may be discharged, on their taking the oath of allegiance, and appearing before the said committee to give evidence on oath of any plots, or conspiracies, that may have come to their knowledge, was read and filed. And thereupon,

Ordered, That the said four persons be discharged on the terms mentioned in the said letter.

Adjourned until this afternoon 4 o'clock.

Die Mercurii, 4 *ho. P. M. July* 16, 1777.

The Council met pursuant to adjournment.

Present—Pierre Van Cortlandt, Esqr. *President.*

Mr. Jay, Mr. Platt, Colo. De Witt, Mr. Cantine, Mr. Harpur, Major Tappen, Mr. R. R. Livingston, Major Van Zandt.

Resolved, That the Legislature of this State be convened to meet at Kingston, in Ulster county, on the first day of August next.

Resolved, That copies of the above resolution be sent to the county committees of the several counties in this State, and that they be requested to notify their Representatives in Senate and Assembly accordingly.

Ordered, That the aforegoing resolutions be published in the newspapers.

A letter from General Schuyler, dated at Fort Edward, the fourteenth instant, was received and read, and is in the words following, vizt:

"*Albany, 14th July*, 1777.

"Sir—Being detained by the continual rains I shall set out in one hour for Fort Edward. I am sorry to say that I have not been able yet to obtain a more satisfactory account of the abandonment of Ticonderoga, than at Kingston. For what reasons and in what manner this business was done is still a mystery. There is a tale current that we had a severe engagement with them in the retreat. The best account I can give you must be in general terms, for the particulars vary too much to determine on which part truth is.

"Ten companies of grenadiers and light infantry, or rather a party of the enemy's army were sent from Ticonderoga in pursuit of the fugitives. At about sixteen or eighteen miles from Mount Independence they fell in with the rear guard of St. Clair's troops. There was some fighting. Our loss from three hundred to twenty, and that of the enemy from one thousand to fifty; but twenty-four prisoners we have, to wit: fourteen Canadians, seven British and four foreigners. At Fort Anne the enemy attacked twice and were twice repulsed, with considerable loss, as it is said. In this business we lost nothing. Afterwards Colo. Henry R. Van Rensselaer was sent out with a party of militia, and falling in with the ninth regiment a severe conflict ensued. We lost twelve killed on the field and many wounded (probably more.) Among the wounded was the colonel, by which means our success was not so great as there is reason to believe it would have been. We have taken a captain, a doctor and one or two more.

"I hear the enemy are returned to Ticonderoga; how true it is I know not. I expect that a part of our conference with Genl. Schuyler will be about keeping out some of the militia. Having no powers, I shall do what I think is best, and trust to the Council to confirm it, or hang me. But whether Mr. Yates will join in pursuing that line of conduct is very uncertain.

"At Fort Stanwix, I believe our affairs do not stand quite as well as might be expected. If Genl. Herkemer was directed to draft five hundred of his militia, and throw them in as a reinforcement it might produce good effects. These then should be continued in service till the first of October. If any thing of this kind is resolved on be pleased to enclose your letter to the General, to Jacob Cuyler, Esq. at Albany, who will send it forward or not, as Genl. Schuyler shall or shall not think the measure eligible.

"I have the honour to be sir,
"Your most obedient and humble servt.
"GOUVR. MORRIS."

A letter from the Honourable John Hancock, dated Philadelphia, the 8th instant, was received and read, and is as follows, vizt:

"*Philada. July 8th*, 1777.

"Gentlemen—The distressed situation of the troops at Ticonderoga, for want of blankets, and the sickness consequent thereupon, have induced the Congress to pass the enclosed resolve, directing me to request you will exert yourselves to collect and forward to that post fifteen hundred blankets with all possible expedition.

"The Congress engage to replace the same number of blankets out of the first that shall be imported into any part of the United States, on account of the Continent.

"I have the honour to be, gentlemen,
"Your most obdt. servt.
"JOHN HANCOCK, *Presidt.*

"Honble. Council of Safety
of the State of New-York."

The resolution of Congress recommending to the Council of Safety of New-York, to collect and send to Ticonderoga fifteen hundred blankets, and which is referred to, and came enclosed in the preceding letter, was then read, and is in the words following, viz:

"In Congress, *July* 7, 1777.

"*Resolved*, That a letter be written to the Council of Safety of the State of New-York, informing them of the distress which the troops at Ticonderoga are in for want of blankets, and requesting them to use their exertions in collecting and forwarding in the most expeditious manner to that post fifteen hundred blankets.

"That the faith of Congress be plighted to the State of New-York for replacing the blankets so furnished out of

the first importation of that article on the account of the Continent, in any port in the United States.

"Extract from the minutes,

"CHAS. THOMSON, *Secy.*

"By order of Congress,

"JOHN HANCOCK, *Presidt.*"

A letter from the Honourable James Duane, Philip Livingston and William Duer, Delegates in Congress was received and read, and is in the words following, to wit:

"*Philadelphia, 2d July*, 1777.

"HONOURABLE GENTLEMEN—

"Since our last we have applied to Commissary Trumbull to exchange in the manner directed by Congress the 2,000 bushels of salt which they were pleased to grant for the relief of our State; as soon as we receive his answer you shall know the result. We are endeavouring to purchase further quantities of this necessary article for the use of our fellow citizens, and have a prospect of succeeding.

"The manufacturing of salt in the interior parts of our own State is certainly an object most worthy of the attention of the public. The Indians far from being averse to it, seem heartily disposed to favour the design, and by being made partakers of the advantages, might become warmly engaged for its success.

"If the war should be prolonged, it is far from being improbable that we may be deprived of all foreign supplies. How necessary then may this expedient prove to our comfortable subsistence and to our internal union and repose?

"We hope to hear that the experiments which were directed before we left Kingston have proved favourable, as well as that good progress has been made in the manufacture of lead and flints, and the refining of sulphur. A certain prospect of internal supply of these important articles would give Congress singular satisfaction; and if derived from your researches and exertions, would add highly to the reputation of the State.

"We were yesterday honoured with your favour of the and immediately took the necessary steps to procure an account of the State prisoners sent to Philadelphia by our late Convention, and of the manner of their discharge. It shall be transmitted to you by this conveyance, with the reasons which induced the Council of Safety of this Commonwealth to use so little ceremony in a business which had been represented to them as of a very serious nature.

"Congress, between this and the 26th of June, have spent the greatest part of four days in considering the claim of some of the inhabitants of our State to a new government, independent of the community, and the letters and remonstrances of our late Convention and your Honourable Council, on that interesting subject. The principles upon which this ambitious project was granted, were admitted to be of universal concern to the general confederacy; and they were considered as particularly odious, from the attempt to confirm them by the grossest misrepresentation of the resolutions of Congress. No debate was ever conducted with more deliberation and solemnity, and the decision was such as, in our judgment, ought, for the present, to be satisfactory; it does not, it is true, come up to the requisition of our State, 'that the insurgents should be recommended to a peaceable submission to its jurisdiction by the authority of Congress, and that Warner's regiment should be discharged.' But by totally reprobating the idea that a minority can establish an independence of the community of which they are members, by proclaiming the duty of Congress to secure and defend the several communities of which it is composed:

"By censuring the supposition that Congress could do, recommend or countenance any thing injurious to the rights and jurisdictions of those communities:

"By declaring expressly that the independent government attempted to be established by those misguided people, can derive no countenance or justification from the particular resolution on which it is pretended to be founded, or from any other act or proceeding of Congress:

"By the contemptuous rejection of their petition to be received and ranked as a free State, and to be represented by their own Delegates in Congress:

"By the apology to the State of New-York for raising Warner's regiment, implied in the explanation of the motives which gave rise to it, and by the severe censure of Doct. Young's address, encouraging those people to persevere in their defection:

"By all these different resolutions, we think a substantial foundation, on general and undeniable principles, is laid, either for reclaiming our fellow citizens to their duty and a submission to the laws, by the force of reason and persuasion, and the fears of offending a whole continent; or should they obstinately persevere in their revolt, for a future requisition of the aid of Congress, to be administered in such manner as the opposition of the disaffected, and our own circumstances, may render expedient.

"We flatter ourselves, therefore, that we shall meet with your approbation, and that our country will be pleased and benefitted by the measures adopted on this occasion. May we be permitted to suggest the propriety of despatching commissioners, without delay, to explain and enforce, among our too aspiring countrymen, these resolutions of Congress, and to seize the advantage which the first impression of unexpected disappointment and condemnation from the only tribunal they fear, may make on their minds, in order to induce them to a submission of your jurisdiction.

"This appears to us to be the more necessary, as Mr. Roger Sherman, of Connecticut, who brought in the petition for these people to Congress, and has all along acted openly as their advocate and patron, and in the last debate plead their cause with a zeal and passion which he never discovered in any other instance, and which, in a judge, between a State and some of its own members, was far from being commendable. This gentleman, we say, immediately on passing the resolutions, procured copies, and having obtained leave of absence, is already set out on his journey to the eastward. What may be his views with respect to our dispute, we know not, but to his enmity and officiousness you ought not to be strangers.

"We have the honour to be, with the greatest respect, honourable gentlemen,

"Your most obedient humble servants,

"PHIL. LIVINGSTON,
"JAS. DUANE,
"WM. DUER.

"Honl. Council of Safety
for the State of New-York."

The resolutions of Congress of the thirtieth day of June, on the subject of the claim of some of the revolted subjects of this State, setting up a new independent State, to be called the State of Vermont, was also received and read, and is in the words following, vizt:

"IN CONGRESS, *Monday, 30th June*, 1777.

"Congress, agreeable to the order of the day, resolved itself into a committee of the whole, to take into consideration the letters from Abraham Ten Broeck, Esqr. President of the Convention of the State of New-York, dated 20th January, and 1st March, 1777; the resolutions passed in Committee of Safety for the State of New-York, at Fishkill, twentieth of January, 1777, transmitted with the above letters, and a petition signed Jonas Fay, Thomas Chittenden, Heman Allen and Reuben Jones, in the name and behalf of the people styling themselves inhabitants of the New-Hampshire Grants, dated New-Hampshire Grants, Westminister, 15th January, 1777; a letter from Pierre Van Cortlandt, Esqr. President of the Council of Safety of New-York, dated 28th May, 1777; and a printed paper, signed, 'A word to the wise is sufficient,' containing an

extract from the minutes of Congress; and a letter to the inhabitants of Vermont, signed Thomas Young, dated Philadelphia, 11th April, 1777, laid before Congress the twenty-third instant, by the Delegates of New-York; and after some time, the President resumed the chair, and Mr. Harrison reported: That the committee have had under consideration the letters and papers to them referred, and have come to sundry resolutions thereupon, which he is ready to report whenever Congress shall please to receive them.

"*Ordered*, That the report be now received.

"The report from the committee of the whole was then read and agreed to, as follows:

"*Resolved*, That Congress is composed of Delegates chosen by and representing the communities respectively inhabiting the Territories of New-Hampshire, Massachusetts Bay, Rhode-Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia, as they respectively stood at the time of its first institution; that it was instituted for the purpose of securing and defending the communities aforesaid against the usurpations, oppressions and hostile invasions of Great Britain, and that therefore it cannot be intended that Congress, by any of its proceedings, would do, recommend or countenance any thing injurious to the rights and jurisdictions of the several communities which it represents.

"*Resolved*, That the independent government attempted to be established by the people styling themselves inhabitants of the New-Hampshire Grants, can derive no countenance or justification from the act of Congress declaring the United Colonies to be independent of the Crown of Great Britain, nor from any other act or resolution of Congress.

"*Resolved*, That the petition of Jonas Fay, Thomas Chittenden, Heman Allen and Reuben Jones, in the name and behalf of the people styling themselves as aforesaid, praying 'that their declaration that they would consider themselves as a free and independent State, may be received; that the district in the said petition described, may be ranked among the free and independent States, and that Delegates therefrom may be admitted to seats in Congress,' be dismissed.

"*Resolved*, That Congress, by raising and officering the regiment commanded by Colonel Warner, never meant to give any encouragement to the claim of the people aforesaid, to be considered as an independent State; but that the reasons which induced Congress to form that corps was, that many officers of different States who had served in Canada, and alleged that they would soon raise a regiment, but were then unprovided for, might be reinstated in the service of the United States.

"WHEREAS a printed paper addressed to the inhabitants of the district aforesaid, dated Philadelphia, 11th April, 1777, and subscribed 'Thomas Young,' was laid before Congress on the 23rd instant, by the Delegates of New-York, to which address is prefixed the resolutions of Congress of the 15th of May, 1776, in which are contained the following paragraphs:

"'I have taken the minds of several of the leading members of the Honourable the Continental Congress, and can assure you that you have nothing to do but to send attested copies of the recommendation to take up government, to every township in your district, and invite all the freeholders and inhabitants to meet in their respective townships, and choose members for a General Convention to meet at an early day to choose Delegates for the General Congress and Committee of Safety, and to form a constitution for your State. Your friends here tell me that some are in doubt whether Delegates from your district would be admitted into Congress. I tell you to organize fairly, and make the experiment, and I will ensure you success at the risk of my reputation, as a man of honour or common sense; indeed, they can by no means refuse you; you have as good a right to choose how you will be governed, and by whom, as they have.'

"*Resolved*, That the contents of the said paragraphs are derogatory to the honour of Congress, and a gross misrepresentation of the resolution of Congress therein referred to, and tends to deceive and mislead the people to whom they are addressed.

"Extract from the journals.

"CHARLES THOMSON,
Secretary."

Another letter from the said Delegates at Congress, dated the eight instant, was also read, and is as follows, viz:

"*Philadelphia, 8th July*, 1777.

"HONOURABLE GENTLEMEN—

"Since our last letter of the 4th instant, the President, at our request, has written to Commissary Trumbull, on the subject of the exchange of the salt appropriated to our State, and we hope this formality will give weight to our own solicitations.

"We transmit you the secret committee's order in our favour, on Mr. Mumford, their agent for the salt at Plymouth, and our transfer to you. A copy of our letter to Commissary Trumbull, we also enclose, from which last you will be pleased to observe, that for the sake of despatch, we have requested him to correspond on the subject immediately with yourselves.

"Salt continues to be very scarce here and to the southward, the coast being closely watched by the enemy's ships. Mr. Lewis writes from Baltimore the 23rd of June, that two small vessels had arrived there with that article from Virginia, purchased by a private trader, who asked for it no less than £5 a bushel. As we cannot at present expect to get it delivered at this place for a less price, we must request your directions, whether we shall proceed to purchase, and what quantity?

"With these despatches we forward a calendar, returned to us by the jailer, of the prisoners sent from our State to Philadelphia, and the time and manner of their discharge. Sutton, whose name you will not observe, never was committed to prison, but left at large, and finally released on his parol at General Morris's intercession, who, it seems, entertained an opinion of him much too favourable.

"Finding that our constitution was published on very mean paper, without any marginal notes of the contents, we thought it would not be disagreeable to our State to have an impression struck off here, and we took the same opportunity to have printed the resolutions of Congress respecting the independent government attempted to be established within our jurisdiction; we now forward them to be disposed of as you shall direct.

"If our State is likely to be pressed both from the north and the south, which, however rash and desperate, is an enterprise which the enemy once seriously contemplated, and now seems at least as practicable as the conquest of Pennsylvania, you will have but little time to apply to domestic concerns, however urgent; and this may possibly induce you to wish that the publication of the decision of Congress respecting our revolted subjects, may for some time be deferred. From these considerations, we shall refrain from communicating a single copy; but it must be remembered that Mr. Roger Sherman, who is gone to the eastward, was furnished with one, and there is too much room to apprehend that he may forward it to his friends in New-Connecticut.

"We have taken the liberty to retain your letter to Congress, of the 17th of June, and the several enclosures. Already have we employed so much of their time on the affairs of our State, that good policy strongly urges us to give them some respite; and as the subject matter of those despatches though of some moment to our State, requires no immediate decision, we flatter ourselves that you will not be displeased with our reserve. The reasons you as-

sign to show that the defence of Hudson's river ought to be a Continental charge, appears to us to be very cogent; and they must always have great weight; and we therefore make no scruple in recommending that all the expenses be charged to the account of the Continent, comprehending even such as may accrue subsequent to the late resolutions of Congress pointing out a discrimination; for, had the transaction been fully explained, we cannot think those resolutions would have passed.

"We have the honour to be, with great respect,

"Honl. gentlemen,

"Your most obedient humble servants,

"PHIL. LIVINGSTON,
"JAS. DUANE,
"WM. DUER.

"Honourl. Council of Safety for the State of New-York."

A copy of the said Delegates' letter to Commissary Trumbull, which is referred to in the letter from the Delegates to the Council, was then read, and is as follows, vizt:

"*Philadelphia, July 2d*, 1777.

"SIR—The Congress have been pleased in consideration of the peculiar situation and distress of our State, to favour us with the grant at the current price of about 2000 bushels of the public salt, which is stored at Plymouth, in the Massachusetts government, and is under the care of Thomas Mumford, Esqr. of Groton, Connecticut. The more effectually to relieve our suffering fellow citizens, they have been pleased to direct you, if it can be done without injuring the public service, to exchange for that salt an equal quantity nearer to the borders of our State.

"This we flatter ourselves will be in your power; and in that case, we beg that you will be so obliging as to forward without delay, an order to the Council of Safety of our State, to authorize them to receive the salt; and in return they will give you an order on Mr. Mumford, to vest in you the property of the salt in his possession.

"The President has wrote to you on this subject. We beg to be informed of your resolution.

"And are, sir, your most obedt. servants.

"To JOSEPH TRUMBULL, Junr. Esqr.
Commissary-General."

Also a calendar of our State prisoners sent to Philadelphia, which also came enclosed in the said letter from the said Delegates, was read, and is in the words following, to wit:

A List of the York Tories lately confined in the State Prison, Philadelphia.

NAMES.	*When committed.*	*By whom committed.*	*When discharged.*	*By whom discharged.*
Constant Nickerson,				
Benjamin Scott,				
John Russell,				
John Winter,				
Garret Springton,				
Daniel Taylor,				
William Peters,				
Ezekiel Kerkum,				
James Rubilce,				
Major Smith,	Octr. 18th, 1776,	Council of Safety,	Jany. 28th, 1777.	Council of Safety.
John Turner,				
Henry Woodins,				
Benjamin Owens,				
Joshua Nickeson,				
Abraham Elston,				
Seth Nickeson,				
James Nickeson,				
Conrad Coon,				
Henry Dingee				
Thomas Peters,				
Daniel Sawyer	Octr. 18th, 1776,	Council of Safety,	Feby. 3d. 1777.	Council of Safety.
Charles Ross,	do	do	May 30th, 1777.	Board of war.
Jonathan Purdy	do	do	Died Novr, 24.	Death.
Benjamin Slutt,	do	do		
Nathaniel Finch,	do	do		
Abraham Jewell,	do	do		
James Powell,	do	do	Jany. 4th, 1777.	Genl. Griffin.
Elihu Bennett,	do	do		
Caleb Spencer,	do	do		
David Hawkins,	do	do		

Another letter from the Honourable James Duane, dated the tenth instant, on the subject of the new independent State of Vermont, was read, and is in the words following, vizt:

"*Philad. 10th July*, 1777.

"HONOURABLE GENTLEMEN—

"Since our letter of yesterday, the Connecticut Courant of the 30th of June last has made its appearance in this city. It contains a new and extraordinary declaration from a part of our State, which is attempted to be wrested out of our jurisdiction, and which is dubbed *the State of Vermont*, a name hatched for it in Philadelphia; indeed, it is evident that the plan has been laid here under the direction of Doctor Young, and too probably of some others of more consequence, and that his letters have pushed the people to this last extremity. The more effectually to impose upon the public, they have subjoined a list of their complaints against the late government of New-York, and have not even spared the late Convention. Such a train of falsehoods and misrepresentations does but little credit to this mock Convention, which will very probably proceed to elect Delegates for Congress, and once more press for their admission. Be this as it may, confident we are that they will meet with the utmost discouragement.

"One of the printers, who has been requested to publish this production, called upon us with it, and proposed himself that it should be preceded or followed by the resolutions of Congress of the 30th of June.

"It is probable we shall consent to it, to prevent any bad impression which it might otherwise occasion; and for the same reason, we have thoughts of making some observations on the ostensible causes which are assigned in support of the project of a separate government, that the matter may appear in its true light.

"We have the honour to be,

"With great respect, honl. gent.

"Your most obedient huml. servants,

"JAMES DUANE.

"*P. S.* Mr. Livingston and Mr. Duer are attending Congress, and Mr. Child going off, which prevents their subscribing this letter."

Also, another letter from the said Delegates, dated the ninth instant, informing that Commissary Trumbull cannot

exchange the salt, was read, and is in the words following, vizt:

"*Philadelphia, 9th July*, 1777.

"HONOURABLE GENTLEMEN—

"Since we addressed you yesterday, the President has received a letter from Commissary Trumbull, declining to exchange the salt, as he says the public have been at the expense of removing what he has, nearer to our State from the Massachusetts Bay. This will reduce you to the necessity of sending for the salt which has been granted to us by Congress, to Plymouth, in the Massachusetts Bay, after obtaining an order from Mr. Mumford of Groton, in Connecticut.

"We conceive no time is to be lost; salt may rise, it may become scarce, and the country through which it passes, averse to its transportation.

"We have the honour to be,

"With great respect, honourl. gentlemen,

"Your most obdt. humb. servts.

"PHIL LIVINGSTON,
"JAS. DUANE,
"WM. DUER.

"Honourl. Council of Safety for the State of New-York."

Ordered, That the said letters from Congress and our Delegates, with the enclosures, be committed to Mr. Jay and Mr. Robt. R. Livingston.

Adjourned until to-morrow morning 10 o'clock.

DIE JOVIS, 10 HO. A. M.

July 17, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Mr. Harper, Mr. Cantine Mr. R. R. Livingston, Genl. Scott, Mr. Jay, Major Tappen, Major Van Zandt, Mr. Platt, Colonel De Witt.

A letter from John Avery, deputy secretary, dated Boston, June 28th, enclosing the resolutions of the House of Representatives of the State of Massachusetts Bay, passed June 27th, 1777, appointing a committee to meet committees from the States of New-Hampshire, Rhode-Island, Connecticut and New-York, at the town of Springfield, within the State of Massachusetts Bay, on the thirtieth day of July, to hold a conference respecting the state of the paper currency, &c. &c. was read and filed. [See minutes of 14th.]

Ordered, That the consideration thereof be postponed till this afternoon.

A letter from Francis Lewis, Esqr. dated at Baltimore, June the twentieth, 1777, together with the accounts relative to the prizes of the armed sloop Montgomerie of this State, by which there appears to be a balance remaining in Mr. Lewis's hands due to the captors, of four thousand nine hundred and seventy-eight pounds four shillings and six pence, and to the State of New-York, of four thousand nine hundred and fifty-one pounds three shillings and nine pence, the total amount, nine thousand nine hundred and twenty-nine pounds eight shillings and three pence, was received and read.

Ordered, That the said accounts be referred to the Auditor-General, and that Mr. Platt do assist the Auditor-General in forming a complete state of the accounts of the said sloop.

Adjourned until 4 o'clock this afternoon.

DIE JOVIS, 4 *ho. P. M. July* 17, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Colo. De Witt, Mr. Platt, Major Van Zandt, Genl. Scott, Major Tappen, Mr. Jay, Mr. Cantine, Mr. R. R. Livingston.

Mr. Platt, one of the committee appointed to inquire for proper persons as officers for the Continental frigates, informed that Mr. Daniel Shaw (who is recommended by Captain Greenell as a person properly qualified for a first lieutenant) from the best information they have been able to obtain, is qualified for first lieutenant of the Continental frigate Congress, and do request the sense of Council on the subject.

Resolved, That Mr. Daniel Shaw be, and he is hereby appointed first lieutenant of the Continental frigate Congress, under the command of Captain Thomas Greenel, and that one of the commissions lately transmitted to this Council by the board of war, be filled up with the name of Daniel Shaw, appointing him first lieutenant, until the further pleasure of the said board be known agreeable to their directions.

The committee to whom was referred the letter from William Harper, dated the eighth day of July, a letter from Isaac Patten, dated the fourth day of July instant, and the information of Colonel John Harper and William Johnson, having considered the same, brought in the following resolutions, which were read and agreed to, and are as follows, to wit:

Resolved, That two companies of rangers be raised to serve in the counties of Tryon, Ulster and Albany, for the protection of the frontier inhabitants of the said counties; that each company consist of one captain, one lieutenant, four sergeants, four corporals, one drum or fife, and ninety-one privates; that they find their own arms and accoutrements and be allowed Continental pay, and that the captains be allowed sixteen shillings, and the lieutenants, fourteen shillings per week in lieu of rations; that the non-commissioned officers and privates be allowed ten shillings per week in lieu of rations, except when it shall be thought more expedient by the officer commanding the said companies to have the same supplied with rations, in which case no subsistence money shall be allowed but the same shall be applied by the said commanding officer to the purchase of such rations.

Resolved, That John Harper be first captain, Alexander Harper, first lieutenant, James Clyde, second captain, and John Campbell, first lieutenant of the second company.

Resolved, That the said companies shall continue in pay until the first day of January next, unless sooner discharged by the Legislature of this State, and be subject to the command of the Governor, or Commander-in-Chief of this State.

Resolved, That when the said companies or either of them shall consist of more than fifty men, that a second lieutenant shall be added to such company.

Resolved, That the pay of the said soldiers shall commence from the day of their enlistment, and that regular muster rolls be returned monthly by the captains commanding the said companies, under oath.

Resolved, That one thousand dollars be advanced to Colonel Harper, on account of subsistence for the said two companies of rangers; and that the President issue a warrant on the Treasurer of this State for the payment of the same.

Resolved, That Colonel Harper proceed to recruit as fast as possible; and as soon as twenty-five men are enlisted, that he station them to the best advantage for the protection of the inhabitants of said counties, under the command of Lieutenant Harper, and so on, from time to time, as fast as a sufficient number of recruits are collected that Colonel Harper station them, under a proper officer; and in case our domestic enemy, or the Indians, should make any depredations on any of the inhabitants, that Colonel Harper give orders to repel force by force.

Resolved, That Colonel Harper be cautious of making any attack upon the savages, or pursuing any measure that may bring on an Indian war, unless absolutely necessary for the defence of the inhabitants, and rendered unavoidable by previous hostilities committed on their part.

Resolved, That a letter be written to Major-General

Schuyler enclosing copies of the information received by Colonel Harper and William Johnston, and of the aforegoing resolutions.

A draft of a letter to Major-General Schuyler, on the subject of the above resolutions was then read and approved of, and is in the words following, to wit:

"SIR—I am directed to enclose you the information given to the Council of Safety, by Mr. John Harper and William Johnston, by which you will learn the exposed situation of the inhabitants on the western frontiers, and see the necessity of granting them such aid as you conceive can safely be afforded; and at the same time, of obliging our savage neighbours to a more strict observance of their neutrality, or of bringing them to an open rupture, in which case many might doubtless be induced to join us, and the whole would be less formidable when we were prepared for their attacks.

"General Herkimer's cautious conduct has increased their insolence, and induced them to give law to him. As the militia of Tryon county are, by a resolution of the late Convention, subject to your command, the Council request you to give them such orders as will in your opinion tend most to the security of the western frontiers. If the savages could be induced to give up Brandt, and to permit a small garrison to be stationed at Oneoghquago it would be a great check, as well to the unfriendly Indians as to the tories among ourselves, and prevent the communication that they keep up with the enemy by means of a road which passes through that way, and which they have lately marched over into the settled parts of this county.

"I am, sir, with respect,

"Your most obedt. servt.

"Major-General SCHUYLER."

Ordered, That a copy thereof be engrossed, signed by the President, and transmitted.

WHEREAS Major John Wheelock hath represented to this Board, that the late Convention of this State did on the eighth day of April last, appoint him to raise three companies of men in the northeastern parts of the same, the officers of which companies were not to be entitled to commissions, until at least one hundred and fifty men should be enlisted; notwithstanding his utmost exertions, and the prolongation of the time limited for the raising the said men, he hath been able to enlist only about eighty men, and that there is no probability of enlisting any more by reason of the open defection of that part of the State, and other incidents then unforeseen; for which reasons he hath requested this Board to determine either to confirm or disband the said corps: AND WHEREAS it appears to this Council both reasonable and expedient that the men so raised should be taken into the service of this State, on the terms of their enlistment, provided that supernumerary officers concerned therein will relinquish their expectations of commissions:

Resolved, That if any six of the twelve commissioned officers named by Major Wheelock for the said three companies shall voluntarily discharge themselves from the said corps, that then Major Wheelock do forthwith march all the men so as aforesaid by him enlisted, with the residue of the officers, to this place. That on their arrival here their respective commissions be delivered to them and the corps stand confirmed.

Resolved, That such of the supernumerary officers to be discharged, as aforesaid as shall at any time within nine months from the date hereof, procure and produce to Major Wheelock, or the commanding officer of the said corps, so many men to enlist in either of the said companies as to render such additional officer or officers necessary to the said company, shall be received and commissioned accordingly, but shall draw pay only from the time of such junction; it being the intention of this Council to give countenance and encouragement to all such as shall exert themselves in the service of the State; provided, nevertheless, that no number of men less than fifteen shall entitle a subaltern to a commission, nor a less number than twenty men shall entitle a captain to a commission.

Resolved, That unless the above resolutions be complied with in four weeks from the date hereof, the said corps be disbanded, and that Major Wheelock do repair hither to settle his accounts.

Resolved, That on the arrival of Major Wheelock with the eighty men and six commissioned officers aforesaid at Kingston, Captain Wait's company of rangers, who are also ordered to repair to this place, be put under his command.

The committee to whom was referred the several letters and other papers relative to the disorders in the eastern district of this State, in setting up an independent government, delivered in their report. The same being read and considered by paragraphs, was agreed to.

DIE VENERIS, 10 HO. A. M.

July 18, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Mr Jay, Mr. Platt, Major Tappen, Colo. De Witt, Mr. Robt. R. Livingston, Mr. Cantine, Major Van Zandt, Mr. Harper.

Ordered, That Colonel Lasher, or his deputy, deliver to Colonel John Harper one hundred weight of gunpowder and three hundred weight of lead, for the use of the rangers ordered to be raised under his command.

Ordered, That Benjamin Darby be permitted to go home on parol to fetch his shoemaker's tools, and that he return to this place in six days.

Ordered, That James Quigley, on taking the oath of allegiance agreeably to his request, be discharged.

Ordered, That Mr. Sheriff Dumont do cause to be conveyed to the nearest jail in the State of Connecticut, David Ives and Jesse Noble, subjects of the said State, and that he transmit with them certified copies of the crimes wherewith they stand charged, and that he bring in his account of expenses attending the same.

Ordered, That the said sheriff cause to be removed from the jail in Kingston to the jail in Orange county, Claudius Smith and John Brown, charged with stealing oxen belonging to the Continent.

Ordered, That Captain Frederick Schoonmaker do attend the Council without delay.

The Council proceeded to take into consideration the resolutions of the House of Representatives of Massachusetts Bay, of the twenty-seventh of June, appointing a committee to meet committees from the States of New-Hampshire, Rhode-Island, Connecticut and New-York, on the thirtieth day of July, at the town of Springfield, in the county of Hampshire, in the State of Massachusetts Bay, in case the said States think fit to appoint such committees to hold a conference respecting the state of the paper currency of the said States and on the other matters therein mentioned. The same was again read; and thereupon,

Resolved, That this Council will appoint and send a committee to meet and confer with the committees of the said States at the time and place appointed by the said resolutions.

Mr. Jay, to whom was referred the letter from Jer. Powell, President of the Council of the Massachusetts Bay, on the subject of the said resolves, reported a draft of a letter in answer thereto, which was read and approved, and is as follows, to wit:

"SIR—Your letter of the second July instant, together with the resolutions referred to therein, arrived yesterday, have been laid before the Council of Safety.

"The Council have appointed a committee to meet those from the four New-England States at the time and place

appointed, and are of opinion that the proposed conference may be productive of a system of regulations which will answer the important purposes intended by it.

"I am directed to assure you, sir, that nothing on the part of this State shall at any time be wanting to cultivate and confirm that harmony and mutual confidence which they wish to maintain with the other United States, and which is so essential to their common security and prosperity.

"I am sir, your most obt. and humble servt.

"Honble. JER. POWELL,
President of the Council of the State of Massachusetts Bay."

Ordered, That a copy thereof be engrossed, and signed by the President, and transmitted.

The committee to whom was referred the letters from our Delegates in Congress of the second and ninth instant, and from James Duane, Esqr. of the ninth and the tenth instant, and a letter from John Hancock, Esqr. of the eighth instant, with their several enclosures, delivered in their report, which was read; and the same being considered by paragraphs, was agreed to, and is as follows, to wit:

"The committee to whom were referred the letters from the New-York Delegates in General Congress of the 2nd July and 9th July instant; two letters from James Duane, Esqr. of the 9th and 10th July instant; one letter from the President of the Congress of the eighth of July instant, with their several enclosures, vizt:

"1st. A resolution of Congress of the seventh July instant, containing a requisition of a loan of fifteen hundred blankets.

"2d. Certain resolutions of Congress of the 30th June, respecting the revolted subjects of this State.

"3. A list of the New-York tories lately confined in the State prison at Philadelphia.

"4. A copy of a letter from the New-York Delegates to the Commissary-General, of the 2d July instant, on the subject of exchanging the salt obtained from Congress.

"5. An order from the secret committee of Congress of the twentieth of June last, on Thomas Mumford, in favour of the New-York Delegates for the said salt.

"6. An order from the New-York Delegates to Thomas Mumford of the 8th of July instant, to deliver the said salt to the Governor or Council of Safety of this State.

"7. A certified copy of the resolutions of Congress, respecting the said salt.

"Have taken the same into consideration, and thereupon beg leave to make the following report:

"*Resolved*, That this State will continue to exert itself to the utmost in supporting the present necessary war against the King of Great Britain, and will contribute all the aid in their power to the common cause of America; but that the present circumstances of the inhabitants of this State are such as to deprive them of the satisfaction it would give them to make the loan of blankets required by Congress: And the better to explain this, the Council beg leave to mention the following facts:

"This State having been long excluded from the sea, have not been able to import that necessary article.

"Nassau island, and the other parts of this State, where very considerable quantities of sheep were raised, being in the power of the enemy; and the inhabitants being often drawn into the field, and harrassed by continual alarms, they have been prevented from deriving their usual supplies from their own manufactures.

"A great number of unfortunate inhabitants of the southern parts of this State, having been driven from their habitations by the enemy, and plundered by both armies, have laid the other parts of the States under heavy, though voluntary, contributions for their clothing and support.

"The late Convention of this State prompted by the most ardent zeal for the American cause, and desirous of supplying clothing to the troops directed to be raised in this State, as well in the year 1776, as since, did cause all the blankets and stockings which could be spared from the necessary use of the inhabitants, to be collected, and in pursuance of those resolutions a very considerable number were taken from private families so late as last winter.

"That from these causes as well as from the probability of this State remaining the seat of war, and continuing excluded from an opportunity of gaining supplies either from foreign countries or the neighbouring States, there is the highest reason to fear that the people of this State will be greatly distressed by the rigours of the approaching winter.

"Your committee beg leave to observe that the resolutions of Congress respecting the revolted subjects of this State properly falls under the notice of the committee to whom the papers transmitted by Colonel Patterson, were referred; and therefore they forbear reporting any thing on that subject.

"*Ordered*, That the list of the New-York tories, lately confined in the State prison at Philadelphia, be filed with the Secretary.

Resolved, That the order of the secret committee of Congress, of the twentieth day of June last, on Thomas Mumford, in favour of the New-York Delegates, and their order on him in favour of the Council of Safety of this State for a cargo of about two thousand bushels of salt imported by Congress into Plymouth, in the Massachusetts Bay; and by their resolution of the 14th of June last, directed to be sold to this State, be transmitted together with a certified copy of the said resolutions to Abram. P. Lott, Esquire, by express; and that he be authorized and directed to receive the said salt from the said Thomas Mumford, to whom a receipt for the same from the said Abraham P. Lott, shall be a sufficient discharge.

"Add further, that the said Abraham P. Lott, cause the said salt to be transported to Hartford, in the State of Connecticut, and there to be stored and secured till the further order of this Council or the Governor of this State.

"Your committee beg leave further to report, that in their opinion a certified copy of the aforegoing resolutions respecting the requisition of blankets ought to be transmitted to the President of the General Congress; and that the following letter be written to him on that subject, vizt:

"By order of the Council of Safety of this State, I have the honour of transmitting to you the enclosed resolutions, which they hope will meet with the approbation of Congress.

"The Council greatly regret the inability of this State to furnish the blankets required of them, and the more so, as your Honourable House, have in divers instances given such ample proofs of their attention to the interest and happiness of this State.

"I am directed, sir, to assure you in the strongest terms, that the Council will most cheerfully embrace every opportunity of contributing to the support of the American cause, and of evincing the sense they entertain of the justice and benevolence of the General Congress.

"I have the honour to be, sir,
"With esteem and respect,
"Your most obed. and humble servt.

"To the Honbl. JOHN HANCOCK.

"Your committee further beg leave to report the following answer to the several letters from the Delegates of this State, vizt:

"GENTLEMEN—Your letters of the second and ninth of July instant, and those from Mr. Duane, of the ninth and tenth of July instant, with the papers enclosed, and referred to in them, have arrived and been laid before the Council.

"The Council are pleased with the resolutions of Congress respecting the revolt of the eastern district, and commend the attention you have paid to that and other interesting subjects.

"The reasons assigned by you have induced them to send printed copies of those resolutions to that district, and have ordered them to be properly published and distributed.

"You will be pleased to communicate to Congress the enclosed vote of thanks for their resolutions on this head, and make such use of the enclosed papers respecting the violent and treasonable practices of those infatuated people, as you may think proper.

"The Council are well satisfied with your having detained their letter of the seventeenth June last, and approve of your directing another edition of the constitution to be published with marginal notes.

"The Council have directed the salt at Plymouth to be sent for, and are much obliged to the President for his friendly offers in endeavouring to procure an exchange with the Commissary for an equal quantity nearer to this State; of this be pleased to inform him.

"A manufactory of sulphur and salt in Tryon county is begun, and the Council would expect much from it, did not the late insolence of the savages threaten that country with an Indian war. Flint is found in very great abundance, but only one man has as yet been found who knows any thing of the business. What progress he has made the Council are not yet informed. If you can find any persons acquainted with that branch of business, the Council will be much obliged to you if you will employ and send them forward.

"It is with pleasure I acquaint you that the spirit of disaffection among us is nearly subdued. The militia march when called upon, and order and government prevail throughout the State, except in the eastern district. What influence the further inroads of the enemy may have on our new made whigs, is uncertain. The evacuation of Ticonderoga, which they are assured was done without the advice or knowledge of General Schuyler, occasions much speculation, and it is hoped that a strict inquiry will be made into the reasons of that very extraordinary measure.

"I am, with due respect,

"Gentlemen, your most obt. humb. serv.

"To the New-York Delegates in Congress."

Ordered, That the said letters be engrossed, signed by the President, and transmitted.

Ordered, That Mr. John Henry, commissary, &c. supply James Robinson, an indigent prisoner of war, with two shirts and one pair of trowsers, and that he deliver an account of the expenses thereof to the commissary of prisoners of war.

A petition of sundry respectable inhabitants of Marbletown, friends to the American cause, praying that William McGinnes who was tried by a general court martial at Fort Montgomerie, for treasonable practices against the State, and sentenced to suffer death, may be pardoned and discharged, was read and filed.

Ordered, That the President do in the name and by the authority of this Council issue a pardon to the said William McGinnes, of the crimes and punishments wherewith and whereto he stands charged and sentenced as aforesaid.

The Council adjourned until to-morrow morning ten o'clock.

DIE SABBATI, 10 HO. A. M.

July 19, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Major Tappen, Colo. De Witt, Mr. Jay, Mr. R. R. Livingston, Major Van Zandt, Mr. Platt, Mr. Harper, Genl. Scott.

Ordered, That Nicholas Koons, of the manor of Livingston, confined for disaffection in the jail of this place be bound in bond to appear whenever called, to give evidence against Nicholas Croat, and discharged.

A letter from the committee of Albany, dated the 16th instant, informing that the said committee have resolved that Walter Carpenter, (sent from thence to the Fleet prison,) on taking the oath of allegiance, be discharged, was read and filed.

Mr. Robert R. Livingston reported a draft of a letter to Messrs. Yates and Morris, which was read and approved of, and is as follows, to wit:

"SIR—I am directed to inform you that we have received your letters of the sixteenth of July, and are extremely sorry to find that the army have received so few reinforcements, and hardly know upon what principal to account for it, as they are informed that from some parts of the county of Albany, near half of the militia have marched: had this been general the whole county would have afforded at least four thousand men.

"They have been informed of the apprehensions of the people of Tryon county; have written to General Schuyler upon the subject, and ordered a small body of rangers to be raised for its security.

"The Council are very much surprised at your not writing a more particular account of a transaction in which this State are so much interested, as the retreat from Ticonderoga, and request that in your next you would inform them of the manner of the retreat; the number of the men that came off; whether any or how many were taken; whether the sick came away; whether the troops brought off their arms, and any part of their baggage or stores; whether they were pursued in their retreat; whether they met with any loss in such pursuit; what skirmishes we have had with the enemy, and the loss on either side in such skirmishes; whether the militia of the neighbouring States are called for, and what prospect there is of obtaining them; what intelligence you have of the number of the enemy and their designs; what advanced posts we have in order to annoy the enemy in their way down; what part the Canadians and Indians have or will probably take in this controversy; what reasons you have to believe any inroads will be made in Tryon county; and, in short, every thing else which may give light to this Council, or satisfy the inquiries of the people, who are lead from our silence to draw the most melancholy conclusions.

"The Council are sorry to be under the disagreeable necessity of pointing out to you the particular subjects upon which they wish you to write, as they flatter themselves that you would not have omitted what was one of the most important objects of your journey.

"I am, gentlemen,

"Your most obedt. humble servants.

"To ABM. YATES, Junr. and GOVR. MORRIS, Esqr.
at Fort-Edward."

Ordered, That the same be engrossed, signed by the President, and transmitted; and that copies of the resolutions for raising two companies of rangers in Tryon county, and of the letter to General Schuyler on the subject, be transmitted to the committee of Albany.

Adjourned until this afternoon 4 o'clock.

DIE SABBATI, 4 *ho. P. M. July* 19, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Mr. Jay, Mr. Platt, Mr. R. R. Livingston, Colo. De Witt, Major Van Zandt, Major Tappen, Mr. Harper, Genl. Scott.

A letter from the committee of Schoharie, dated the seventeenth instant, (brought by Mr. Wills,) setting forth the apprehensions of the people in that quarter of an attack from the Indians and requesting some relief.

The same being read was immediately taken into consideration.

After some time spent therein, the subject matter thereof was committed to Mr. Jay, Mr. Platt and Mr. R. R. Livingston.

Captain Frederick Schoonmaker, attending, according to

order, and being asked how many men he had enlisted in his company, answered, that he had enlisted twenty-three men for two months before he was made acquainted with the resolutions: directed them to be raised to serve till the first day of December, and therefore does not know whether the said men will consent to serve so long, or whether he can enlist many for that term.

Resolved, That Captain Frederick Schoonmaker do enlist a company of men which were directed to be raised by the resolution of the sixteenth instant to serve until the first day of December next, to serve until the first day of October next, unless sooner disbanded, and that he doth cause all such as he hath enlisted, to parade at the court-house, in Kingston, on Tuesday next, to relieve those of the militia who are guarding prisoners confined in the jail and Fleet prison.

Adjourned until Monday morning 10 o'clock.

DIE LUNÆ, 10 HO. A. M.

July 21, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Mr. R. R. Livingston, Mr. Tappen, Mr. Cantine, Major Van Zandt, Mr. Platt, Colo. De Witt, Mr. Jay, Mr. Harper, Genl. Scott.

Mr. Robert R. Livingston informed the Council of Safety that Captain Montgomery, a relation of the late General Montgomery, is now at his house a prisoner, wounded in his leg, and that Doctor Sealee, his surgeon, who is also a prisoner, is there with him; that they are sent to the care of the committee of Kingston; that the surgeon alleges that it would be very improper to remove Capt. Montgomery farther, in the present state of his wound.

That a letter from Jacob Cuyler, by order of General Schuyler, to the chairman of the committee of Kingston, is sent to John Sleght, Esqr. the chairman; Mr. Sleght the chairman, attended with the letter, which was read.

The Council advise the chairman that he write a letter to Lieutenant Welsh, the officer who has the charge of the prisoners, desiring him to take their parol to remain at Mr. Livingston's house and within a quarter of a mile of it until further order; and that in the mean time they do nothing inimical to the country.

Resolved and Ordered, That Cadwallader Colden, Esquire, have leave to go to his family, and return to the Fleet prison at Roundout Kill, in custody of Henry I. Sleght, at Mr. Colden's expense; that Mr. Sleght have the custody of the said Mr. Colden during his visit to his family and return, and take care that he return and surrender himself to the Fleet prison within five days from the time of his departure.

Mr. R. R. Livingston informed the Council that he has received from General Washington a letter to the brigadier-generals of the western parts of the Massachusetts Bay and the New-Hampshire militia, recommending to them to march with one-third of their militia to rendezvous at Saratoga, unless otherwise directed by General Schuyler or General Arnold, to be under the immediate command of General Arnold; that it is necessary to be forwarded by express, agreeable to General Washington's request.

Ordered, That the said letter be sealed, and forwarded by express.

A copy of a letter from Major-General Schuyler to General Washington, enclosing copies of proclamations by General Burgoyne and General Schuyler, was read, and is as follows:

"*Fort Edward, July* 17, 1777.

"DEAR SIR—Your Excellency's favours of the 12th and 13th instant I had the honour to receive yesterday. It is very true that we have a great plenty of horses in this part of the country, but as they are always drove two abreast, and never with such collars as are generally used in the artillery, I feared that it would be difficult to get them to draw, and have found it so much so with the two pieces which General Nixon has with him, that I have ordered the carriages which are now making for the cannon I have here, to be constructed so as to be drawn with horses abreast of each other.

"Major Stevens is safe, but so ill, at Albany that I fear he will be of little service to the campaign.

"We have chosen two very advantageous spots of ground about four miles below this, where the troops that come from Ticonderoga, and part of the militia, have begun to make some works, but I do not propose to move down with what troops I have here until I can procure more axes and entrenching tools which are collecting in the country.

"The deputy Adjutant-General has not as yet been able to procure a return of the troops, but expects he will be able to deliver it to me by to-morrow.

"Part of the enemy's force is at Skeensborough, a body of between one and two thousand at Castle Town, and another returned to Ticonderoga in order to come by that route across Lake George. They have an advanced post at a block house near Fort Ann, and their Indian scouts are continually lurking about our advanced posts.

"The day before yesterday they made prisoners of two wagons, near Fort George.

"We have brought away every thing we had at Fort George, and yesterday Colo. Van Dyck, agreeable to his orders, quitted the post, after seeing every part of it in flames; strengthened with that garrison, and if the militia who are here, or an equal number can be prevailed on to stay, and the enemy give me a few days more, which I think they will be obliged to do, I shall not be apprehensive that they will be able to force the posts I am about to occupy.

"So much toryism prevails among the people, on what are commonly called the New-Hampshire Grants, and amongst those that reside in the townships bordering on them, that I should not be much surprized if General Burgoyne should attempt to march as far as Bennington, in order to procure cattle and carriages, for I cannot as yet learn that many have been brought away, although I gave the necessary orders immediately on being informed of the retreat from Ticonderoga.

"I have had part of Wood creek filled with trees, and the roads between this and Fort Ann broken up and rendered impassable, unless much labour is bestowed on them.

"The cattle beyond this are all brought and bringing away, and I shall not leave any forage for the enemy's cattle to subsist on.

"I enclose your Excellency a copy of a publication of General Burgoyne's, with a copy of one of mine. I have ordered every person that has taken or may take a protection from the enemy, and that can be taken, to be secured and sent to jail.

"Part of the militia from Massachusetts, and all those from New-Hampshire, I have ordered to join Colo. Warner, who is at Manchester, and who has my orders to advance as near to the enemy as he can with the small forces he has, the better to bring off the cattle and carriages near them.

"I am, dear sir, with great respect,
"Your Excellency's most obedient humble servant,
PH. SCHUYLER.

"His Excellency Genl. WASHINGTON, &c. &c."

"*Copy of General Burgoyne's proclamation.*"

"By Lieutenant-General John Burgoyne, commanding an army and fleet of Great Britain, against the revolted Provinces of America.

"To the inhabitants of Castleton, of Hubberton, Rutland, Tinmouth, Pawlet, Wells, Granville, with the neighbouring districts; also the districts bordering on White creek, Cambden, Cambridge, &c. &c. &c.

"You are hereby directed to send from your several townships, deputations, consisting of ten persons or more from each township, to meet Colonel Skeene, at Castleton, on Wednesday, July 15th, at ten in the morning, who will have instructions not only to give further encouragement to those who complied with the terms of my late manifesto, but also to communicate conditions upon which the persons and properties of the disobedient may yet be spared.

"This fail not to obey, under pain of military execution.

"Head-Quarters at Skeensborough House, July 10th, 1777.

"J. BURGOYNE.

"By order of His Excellency the Lieutenant-General.

"RT. KINGSTON, *Secretary*."

A copy of General Schuyler's proclamation.

"By Philip Schuyler, Esquire, Major-General in the army of the United States of America, and Commander-in-Chief of the Northern Department.

"To the inhabitants of Castle Town, of Hubberton, Rutland, Tinmouth, Pawlet, Wells, Gransville, with the neighbouring districts; also the districts bordering on White creek, Cambden, Cambridge, &c. &c.

"WHEREAS Lieutenant-General John Burgoyne, commanding an army of the British troops, did, by a written paper, by him subscribed, bearing date at Skeensborough House, on the 10th day of July, instant, require you to send from your several townships, deputations, consisting of ten persons or more from each township, to meet Colonel Skeen at Castleton, on Wednesday, July 15th, at ten in the morning, for sundry purposes in said paper mentioned, and that you are not to fail in paying obedience thereto, under pain of military execution.

"Whatever, my countrymen, may be the ostensible reasons for such meeting, it is evidently intended by the enemy then to prevail on you by threats and promises, to forsake the cause of your country, to assist them in forcing slavery on the United States of America, and under the specious pretext of affording you protection, to bring on you that misery which their promises of protection drew on such of the deluded inhabitants of New-Jersey, who were weak enough to confide in them, but who soon experienced their fallacy by being treated indiscriminately with those virtuous citizens who came forth in defence of their country, with the most wanton barbarity, and such as hitherto hath not even disgraced barbarians.

"They cruelly butchered, without distinction to age or sex, ravished children, from ten, to women of eighty years of age; they burnt, pillaged and destroyed whatever came into their power; nor did their edifices, dedicated to the worship of Almighty God, escape their sacrilegious fury. Such were the deeds, such they were incontestibly proved to be, which have marked the British arms with the most indelible stains.

"But they having, by the blessings of Divine Providence on our arms, been obliged totally to abandon that State: they left those that were weak or wicked enough to take protection under them, to bemoan their credulity, and to cast themselves on the mercy of their injured countrymen. Such will be your fate, if you lend a willing ear to their promises, which, I trust, none of you will do.

"But lest any of you should so far forget the duty you owe to your country, as to join with, or in any manner or way assist or give comfort or hold correspondence with, or take protections from the enemy, be it known to each and every of you, the inhabitants of said townships, or any other the inhabitants of the United States, that you will be considered and dealt with as traitors to said States, and that the laws thereof will be put in execution against every person so offending with the utmost rigour; and I do hereby strictly enjoin and command all officers, civil and military, to apprehend all such offenders. And I do further strictly enjoin and command such of the militia of said townships as have not yet marched, to do so without delay, to join the army under my command, or some detachment thereof.

"Given under my hand, at Head-Quarters, Fort Edward, July 13th, 1777.

"PH. SCHUYLER.

"By the General's command,

"HENRY B. LIVINGSTON, *A. D. C.*"

A letter from John Kortze, Junr. and Barent Weger, on behalf of Andrew Young, was read and filed.

They thereby inform that Andrew Young, now a prisoner in the south room of Kingston jail, is ill of ardent fever and distemper in his throat.

Ordered, That Doctor Luke Kiersted visit the said Andrew Young, and if he shall think it necessary to have the said Andrew Young removed, that the sheriff procure lodgings for the said Andrew Young, and a physician to attend him.

Genl. Scott appeared and took his seat.

A letter from William Seaber, chairman of the committee of Tryon county, dated July the eighteenth, was read, and is as follows, to wit:

"*Tryon County Committee Chamber, July 18th, 1777.*

"HONOURABLE GENTLEMEN—The deplorable situation of our county moveth us to represent the circumstances thereof to your Honourable Board.

"Our county is, at the several frontier places, threatened with invasions of British troops, tories and savages. It is a certain truth, as the enclosure will convince you clearly, that the enemy is in Oswego; and after a council of Colo. Butler with the Five Nations, he will march towards Fort Schuyler directly, with the intent to pursue to Albany.

"It is also certain truth, that the settlements on the Susquehannah river to the Lake Otsego, are already in the power of Joseph Brandt and his Indian party.

"The loss of Ticonderoga is a hard stroke to our inhabitants in general, and causeth the number of our disaffected greatly to increase. In such a situation are our frontiers, and what is most deplorable, no succour of Continental troops appears for defence and protection.

"This board, as well as General Nicholas Herkeimer, several times acquainted General Schuyler of our dangerous circumstances, and prayed for assistance of some Continental troops, but received no promise of any, or any other encouragement than that we should animate the spirits of the militia to step forth in defence of their country. We endeavour to encourage our militia with what lies in our power, but they are so far discouraged by the scandalous loss of that important fort, Ticonderoga, and by seeing themselves left helpless in this real time of need, that with surprise we must see the most affected decline in courage, and the weak hearted (which by this time being the greatest number) are fully resolved, and declare openly, upon actual invasion of the enemy, to render themselves up to their protection, if the county be not in time succoured with troops.

"We may assure you that we fear the loss of our county will be the next news, if not assisted by sufficient force to repulse the enemy.

"Fort Schuyler's fortifications are not yet finished, and the garrison consists but of about 300 able men. General Schuyler ordered 200 men of our militia for a reinforcement, but with all trouble possible, and repeated orders, no more but about 80 men could be brought there.

"There is not much more regard for orders or fines; but we must really fear, that in a short time, for sake of such a neglect of our frontiers, more than the half of our inhabitants are resolved not to lift up arms in defence of this county.

"We are surprised, and it is above our horizon to know the reason of General Schuyler why this valuable county is not to be succoured with at least 2,000 men. We think that you are convinced that we have reason to complain and to implore your Honourable Board for help, if this

county and the poor, true hearted inhabitants, who would sacrifice their lives willingly, shall be saved.

"We humbly, therefore, beg your mature contemplation of our present circumstances, and that you will please to assist before it is too late, if it lies in your power. We recommend this serious matter into your particular favour, and imagine this will be our last application for the safety of our frontiers.

"Remaining always, in humble respect,
"Honourable gentlemen,
"Your obdet. humble servants,
"By order of the committee,
"WILLIAM SEEBER, *Chairman.*

"The Honourable Committee of Safety
at Kingston.

"*P. S.* The express, bearer of this letter, Mr. Frederick Helmer, is a member of this board, and he is empowered by us to give you more circumstantial information, if you think worthy to inquire further."

The information of Frederick Helmer, dated the seventeenth instant, and appearing to be taken before the said committee, was also received and read, and it is in the words following, viz:

"IN COMMITTEE CHAMBER, }
"*Tryon county, July 17th,* 1777. }

"Mr. Frederick Hellmer, of German Flatts district, a member of this board, who, upon different alarming news of a soon invasion of our enemies into our frontier, went to our friendly Indians (the Oneidas) for information of the certainty thereof.

"The said Hellmer conversed with an Oneida sachem, named Thomas, a well affected friend to our cause, on the 15th instant, and brings before this Board the following report:

"Sachem Thomas relates, that when he arrived in the Indian castle Cassasseny, near Cachanawago, in Canada, he was well received by his friends there; but they directly told him that Colo. Clauss and Sir John Johnson were in the castle, and shall make a speech to the Indians, and they therefore think proper that he with his companions should keep themselves secret, and on the council day (which being soon) should hide themselves in the council house, up stairs; and according to this good advice he did so, and got in such a manner the good luck to hear the whole speech of Colo. Clauss, whereof the main points are as follows:

"Colo. Clauss invited strongly, under many promises, the Indians to join him in his expedition to Fort Schuyler and against Tryon county, mentioning the number of his white men, and saying that he has sent already a number of Indians with the army to Ticonderoga, and he is sure that Ticonderoga will be rendered to them. Colo. Clauss repeated again this, 'Ticonderoga is mine, this is true, you may depend on, and not one gunshot shall be fired for it; the same is with Fort Schuyler, I am sure,' said he further, 'for when I come towards that fort, and the commanding officer there shall see me, he shall also not fire one shot, and render the fort to me.'

"Thomas, the sachem, after relating of what he heard in Colo. Clauss' speech as aforementioned, said to Frederick Hellmer and his companions, 'Now, brothers, this which I related to you is the real truth; and I tell you further notice, that Sir John Johnson, with his family, and Colo. Clauss, with his family, are now in Oswego, with about 700 Indians, and their number of white men are 400 regulars, and about 600 tories, lying yet on an island on this side of Swegatshy.

"Therefore, brothers, now is your time to wake, and not to sleep longer, or on the contrary it shall go with Fort Schuyler as it went already with Ticonderoga. Colo. Butler is, as I heard, to arrive yesterday, being the 14th instant, from Niagara, at Oswego, with his party, not knowing how strong in number, and shall immediately keep a council there, with the Five Nations, (which are already called,) and offer the hatchet to them, to strike the Americans, and join him.

"Brothers, I therefore desire you to be spirited, and to encourage one another to march on in assistance of Fort Schuyler. Come up and show yourselves as men to defend and save your country, before it is too late. Despatch yourselves to clear the brushes about the fort, and send a party to cut trees in the Wood creek, to stop up the same.

"Brothers, if you don't come soon without delay to assist this place, we cannot stay much longer on your side; for if you leave this fort without succour, and the enemy should get possession thereof, we shall suffer like you in your settlements, and shall be destroyed with you. We are surprized that your enemies have engaged the Indians, and endeavour daily yet to strike and fight against you, and General Schuyler always refused that we shall take up arms in the country's behalf.

"Brothers, I can assure you that as soon as Butler's speech at Oswego shall be over, they intend to march down the country immediately to Albany. You may judge yourselves, if you don't try to resist, we will be obliged to join them, or fly from the castles, as we cannot hinder them alone. We, the good friends of the country, are of opinion that if more force appears at Fort Schuyler, the enemy will not move from Oswego to invade these frontiers. You may depend on it, we are heartily willing to help you, if you will do some efforts too.

"FREDERICK HELLMER."

Ordered, That the said letter and information from Tryon county, be committed to Mr. Robert R. Livingston, Mr. Platt and Mr. Jay.

On motion of Mr. Jay, the following resolutions were agreed to, vizt:

WHEREAS the late Convention of the State of New-York, by their ordinance of the eight day of May last, did constitute this Council with full powers to provide for the safety and preservation of the State, until a meeting of the Legislature; and did, by the said ordinance, further ordain that the executive powers of the State should be vested in the Governor as soon as he should be chosen, and admitted into office; and that previous to such admission, such Governor should appear before the said Council, and take the oaths in and by the said ordinance prescribed: AND WHEREAS Brigadier-General George Clinton hath been elected to the office of Governor of this State, and having been duly notified thereof, by this Council, hath accepted of the said office: AND WHEREAS this Council do not think themselves justified in holding and exercising any powers vested in them longer than is absolutely necessary; and it being evidently the intention of the late Convention, that the executive powers of the State should be surrendered to the Governor, as soon as he should be chosen, and admitted into office,

Resolved, That Brigadier-General George Clinton be, and he hereby is, most earnestly requested to appear before this Council, to take the oath aforesaid, and enter upon the discharge of the important duties of his said office, of Governor of this State.

Ordered, That a certified copy of the said resolution be transmitted in a letter from the President to Brigadier-General George Clinton.

Mr. Jay informed the Council that the committee of Newburgh have sent under guard to Fort Montgomerie, Benjamin Derby and Elnathan Foster, who were separately permitted by this Council to go to their families and return in a few days.

Ordered, That the Secretary take the examination of the wife of the said Benjamin Derby, now attending for that purpose, and bring the same before this Council.

A letter from Gouverneur Morris, Esqr. dated Saraghtoga, on the seventeenth instant, was read.

"ALBANY COMMITTEE CHAMBER, "19th July, 1777.

"HON. SIR—The bearers, Messrs. James Caldwell and John Maley, inhabitants of this city, and persons well attached to our cause, have represented to us that they have lately purchased a quantity of tea at Philadelphia at a very high price; that the tea upon its arrival at New-Windsor has been seized by a number of men and women, and disposed of at the rate of 6s. per lb. by which means they have lost a large sum of money.

"They begged us to write on the subject to the Council of Safety and to beg their interposition in this matter.

"The Council will be pleased to observe that this tea does not come within the resolution of Congress, as it was imported or captured about two months ago in expectation of redress in the premises.

"We remain, gent. your very humble servts.

"By order.

"JOHN BARCLAY, *Chairman.*

"The Honble. the President of the Council of Safety for the State of New-York at Kingston."

A letter from James H. Kip to the said John Maley, dated the fourteenth July, relative to the said tea belonging to James Caldwell and John Maley, lately seized and dispersed by sundry inhabitants near New-Windsor, was read and filed.

Ordered, That the said letters be committed to Mr. Jay and Mr. Platt.

A letter from the Honourable John Hancock, President of Congress, dated at Philadelphia, the fourteenth instant, was read, and is as follows, vizt:

"*Phila. July 14th*, 1777.

"GENTLEMEN—The enclosed resolve of Congress recommending it to your State to send such reinforcements of militia to the armies of Generals Washington or Schuyler as may be requested, comes with such peculiar force at this juncture, that I am persuaded any arguments to induce you to comply with it be unnecessary. From the Continental battalions not being completed agreeably to the original plan, there is indeed an absolute necessity for adopting the measure in our present situation. Give me leave therefore most earnestly to request your compliance with this requisition of Congress as the only effectual mode of checking the progress of our enraged and cruel enemies.

"I have the honour to be, gent.

"Your most obedient very hbl. servt.

"JOHN HANCOCK, *President.*

"The Honbl. the Assembly of the State of New-York."

The resolution of Congress therein enclosed, passed the twelfth instant, was read, and follows in these words, vizt:

"IN CONGRESS, 12*th July*, 1777.

"*Resolved*, That it be strongly recommended to the government of the State of New-York and of the eastern States to send such reinforcements of militia to the armies under General Washington or General Schuyler, as shall be from time to time requested.

"By order of Congress.

"JOHN HANCOCK, *President.*

Adjourned until 4 ho. P. M.

DIE LUNÆ, 4 *ho P. M. July* 21, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *President.*

General Scott, Mr. Robert Harper, Mr. Van Zandt, Mr. Platt, Mr. Tappen, Mr. R. R. Livingston, Colonel De Witt, Mr. Jay, Mr. Cantine.

A letter from General Putnam dated the nineteenth instant, relative to the effects of the wife of Levy Palmer, which were taken by Henry Carmer out of a trunk hid in a field, with an inventory of the said effects, was read.

Ordered, That the same be committed to General Scott and Mr. Harper.

A return of the men, arms and ammunition in the first regiment in Ulster county, signed by Jonathan Elmendorph, lieutenant colonel, was read and filed. It thereby appears that, exclusive of officers, there are in the said regiment two hundred and ninety-three men; two hundred and eighty-two arms; eleven supplied with ammunition; ten men in want of arms; two hundred and eighty-two in want of ammunition.

The affidavit of Lois Derby, the wife of Benjamin Derby, (taken pursuant to the order of this morning,) relative to the apprehending the said Benjamin and sending him to Fort Montgomery, was read, and is in the words following, to wit:

"*Ulster County, ss.*—Lois Derby, the wife of Benjamin Derby, of Newburgh, in Ulster county, cordwainder, being sworn and examined, says, that on last Saturday forenoon the said Benjamin Derby came to his family, by permission of the Council of Safety of this State of New-York, and of the sheriff of Ulster county, as she understood.

"That about one of the clock of the afternoon of that day Martin Wygand of Newburgh came to the said Benjamin Derby and informed him that the committee of Newburgh had directed him, the said Martin, to take him, the said Benjamin, with a guard and bring him before the said committee; the said Martin having William Albertson with him as a guard.

"That the said Benjamin Derby went with them to the committee, and returned about eleven of the clock that evening to his house, in custody of one Moore, with directions, as the said Benjamin said, to appear at Martin Wygand's at 6 o'clock next morning, to be brought again before the said committee; that the said Benjamin having gone to Wygand in the morning, returned and informed her, the deponent, that Wygand said the committee would send him, the said Derby, and Elnathan Foster to Kingston in custody of the said Wygand; and that he should tarry at home until called by Wygand, if the committee should direct him to be again called before them. That in the mean time the said Benjamin prepared to return to Kingston, but in the forenoon was again sent for by Wygand to appear before the committee.

"That in the afternoon the said Benjamin returned, in custody of John Donnache, and informed the deponent that the committee had ordered him, the said Benjamin, and Elnathan Foster to be taken to Fort Montgomery under guard, and detained the pass given him at Kingston to go to Newburgh. And he directed her, the deponent, to return the horse he rode from Kingston, and inform the sheriff of Ulster county in what manner he was prevented from returning to Kingston a prisoner.

"LOIS ⋊ DERBY.
her mark.

"Sworn and examined this 21st day of July, 1777.

"By JOHN MCKESSON."

WHEREAS, this Council did on the eighteenth day of July instant, order that Benjamin Darby be permitted to go home on parol, to fetch his shoemaker's tools, and that he return to this place in six days: AND WHEREAS, it appears to this Council by the oath of Lois Derby, the wife of the said Benjamin Derby, that the committee of Newburgh, in contempt of the said order of this Council, have caused the said Benjamin Darby to be apprehended and sent a prisoner to Fort Montgomery, there to be confined.

Resolved, That a copy of the affidavit of the said Lois Darby be sent to Brigadier-General George Clinton, and that he be desired to set the said Benjamin Darby at liberty after taking his parol forthwith to appear before this Council, and further that he transmit to this Council copies of the warrant or order, or reasons, if any there be, of the said committee for sending the said Benjamin Darby to Fort Montgomery.

Mr. Jay moved for the following resolutions and was seconded by Mr. Harper.

Resolved, That Robert R. Livingston, Esquire, forth-

will repair to Head-Quarters, to make known to His Excellency General Washington, the present alarming state of Tryon county, and advise with and request the aid of His Excellency in providing for the support and protection of that county.

Isaac Hathaway of Freetown, in Massachusetts Bay, informed the Council of Safety in writing, that the anchors and cables of his sloop named the Kingbird, have been taken, among others, for fixing the chain and other obstructions at Fort Montgomery, and that the said sloop had lately been used as a lodging place by Captain Giles and his family.

Ordered, That the Auditor-General do audit an account for the said anchors and cables as soon as proper receipts for, and vouchers of, the value of the said anchors and cables are produced to him. And

Ordered, That any person who may have the possession or custody of the said sloop Kingbird, deliver her to the said Isaac Hathaway or his order.

Resolved, That John Sloss Hobart and Gouverneur Morris, Esqrs. be, and are hereby appointed a committee on behalf this State, to meet with committees from the States of New-Hampshire, Rhode-Island, Connecticut and Massachusetts Bay, on the thirtieth day of July, at the town of Springfield, in the county of Hampshire, in Massachusetts Bay, to hold a conference respecting the state of the paper currency of the said States, and the other matters mentioned in the resolutions of the House of Representatives of the Massachusetts Bay, on the twenty-seventh day of June last. And

Ordered, That a copy of the letter of the Honourable Jeremiah Powell, President of the Council of the State of Massachusetts Bay, a copy of the resolutions of the said Council, a copy of the resolutions of this Council, of the eighteenth instant, that they will appoint a committee for the purpose above mentioned, and a copy of the appointment of Messrs. Hobart and Morris, be prepared and transmitted to Mr. Hobart.

Adjourned until to-morrow 10 ho. A. M.

DIE MARTIS, 10 HO. A. M.

July 22, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Major Van Zandt, Mr. Platt, Mr. Cantine, Major Tappen, Mr. Jay, Mr. Harper, Colonel De Witt, Genl. Scott.

Mr. Jay reported a draft of a letter to the general committee of Tryon county (on the subject of their fears and apprehensions of the enemy) which was read and approved of, and is as follows, to wit:

"GENTLEMEN—We have received your letter and several others from different parts of your county, and are no less affected by the danger than the fears of the people of Tryon.

"It is with the utmost concern that we hear of the universal panic, despair and despondency which prevails through your county. We flattered ourselves that the approach of the enemy would have animated and not depressed their spirits. What reason is there to expect that Heaven will help those who refuse to help themselves, or that Providence will grant liberty to those who want courage to defend it? Are the great duties they owe to themselves, their country and posterity so soon forgot? Let not the history of the present glorious contest declare to future generations that the people of your county, after making the highest professions of zeal for the American cause, fled at the first appearance of danger and behaved like women. This unmanly conduct gives us great concern; we feel too much for your honour and reputation not to be uneasy.

"Instead of supplicating the protection of your enemies, meet them with arms in your hands; make good your professions, and let not your attachment to freedom be manifest only in your words.

"We could scarcely have believed, that a man among you would have thought of protections (as they are falsely called) from the enemy. Of what advantage have they been to the deluded wretches who accepted them in Jersey, New-York, Westchester and Long island? After being seduced from their duty to their country, they were plundered, robbed, cast into prison, treated as slaves, and abused in a manner almost too savage and cruel to be related. We ought to profit by the woful experience of others, and not, with our eyes open, run to destruction; nor imagine that you will remain unsupported in the hour of trial. We consider you as part of the State, and as equally entitled, with other counties to the aid of the whole. We have despatched one of our members to Head-Quarters, with directions to make known your situation to His Excellency General Washington, and to request his aid to protect and support you.

"We further desire and resolve that your militia be divided into three parts; and that one-third part be immediately embodied for your defence, and relieved at convenient periods. We also recommend it to Genl. Herkimer and you to be careful in putting them under the command of proper officers. The muster rolls on being properly authenticated and produced, shall be immediately paid off. Let all differences among you cease; let the only contention be, who shall be foremost in defending his country; banish unmanly fears; acquit yourselves like men, and with firm confidence trust the event to that almighty and benevolent Being, who hath commanded you to hold fast the liberty with which he hath made you free, and who is able as well as willing, to support you in performing his orders. It is not in our power to send you the money you require, without being furnished with the accounts it is intended to discharge. A Council of Safety cannot charge sums of money on a county; the Legislature alone can do such acts; besides we doubt the propriety of burdening your county with all that expense, and are not certain but it will be imposed on the Continent or the State at large. We will, nevertheless, pay off the public debts in every part of the State, and are a little surprised that a particular statement of your demands has not been transmitted to us. As to the pay rolls you mention, they ought to be drawn agreeably to the enclosed form, and proven by the oath of the officer.

"We also recommend to you, without delay, to apprehend the most dangerous among the disaffected, to send them to Albany, and from thence here. Let not the fear of Brandt deter you from this.

"It will also be highly proper, immediately on the approach of the enemy, to drive in all the cattle and carriages from the frontiers.

"With respect to all such as voluntarily supply the enemy with provisions, you ought immediately to deprive them of the means of doing it. Nor would it be proper to leave large herds of cattle in places from whence they may, without difficulty be taken by the enemy.

"General Schuyler informs us that he has sent you part of a regiment from Albany. You expected more assistance from him than was in his power to afford. We have authorized Colonel Harper to raise two hundred rangers; and we hope he will meet with all the aid and encouragement in your power to give him. If you can only prevail on your people to exert their own strength, all will be well.

"On the return of the gentlemen sent to Head-Quarters, you shall be informed of the success of the application to General Washington. And let us again beseech and en-

treat you, for the honour and reputation as well as safety of this State, to behave like men.

"We are, gentlemen,

"Your most obet. humble servt.

"By order.

"To the Chairman of the General Com. of Tryon county."

Ordered, That the said letter be engrossed, and signed by the President, and transmitted.

Mr. Jay reported a draft of a letter to Gouvr. Morris, Esqr. directing him, with Mr. Hobart, as a committee, to repair to Springfield, in Massachusetts Bay, to meet the committees of the eastern States on the several subjects mentioned in a resolution of the General Court of Massachusetts of the twenty-seventh day of June last; which was read and approved of, and is in the words following, to wit:

"SIR—The Council direct me to inform you that Mr. Hobart and yourself are appointed a committee to confer at Springfield, on the thirtieth day of July instant, with committees from the four New-England States, on the several subjects mentioned in a resolution of the General Court of Massachusetts, of which the enclosed is a copy.

"You will be pleased, therefore, to be at Springfied at the time appointed, and not by your absence occasion delays.

"The Council have despatched Mr. Livingston to General Washington, on the business of Tryon. They wish Mr. Abraham Yates would return.

"As to advising General Schuyler to desolate the frontiers, the Council think it a measure whose propriety depends on contingencies, and they refer it entirely to the discretion of the general officers, who can best judge how far and when it would be proper, and who, they hope, will neither adopt it without deliberation, or be deterred from it by an undue degree of tenderness.

"I am, sir, with respect,

"Your most obedient humb. servt.

"To GOUVERNEUR MORRIS, Esqr."

Ordered, That the Secretaries prepare a copy of the said letter, the President sign and transmit the same.

A letter from Captain Benson, warden of the Fleet prison, informing the Council that last night the following persons, (prisoners on board the said prison,) made their escape, to wit: John Woodside, William Hamilton, Patrick Halletin, John Helmer, Hendrick Runion, John Summerville, Duncan Robinson, Daniel Frazer, John Ferman, Archibald McNiel, Christopher Service, George Charters and Robert Conventry, was read and filed.

Ordered, That the same be referred to the committee for superintending the said prison.

The committee to whom was referred the letter of John Barclay, Esqr. chairman of the committee of Albany; and the letter from James H. Kip, relative to tea of Caldwell and Maley, seized and dispersed by sundry inhabitants of this State, at and near New-Windsor, brought in their report, which was adopted and agreed to, and follows, vizt:

WHEREAS it appears to this Council, as well from the representation of the committee of Albany as otherwise, that James Caldwell, of that city, a person well attached to the American cause, had purchased at Philadelphia a considerable quantity of India tea; that on the arrival of the said tea at New-Windsor, in this State, a number of the inhabitants riotously seized a box of the said tea and sold it, whereby the said James Caldwell hath sustained great damage, and prays for the interposition of this Council to cause justice to be done him.

Resolved, That this Council do highly disapprove of such violent and disorderly proceedings; and that in a free country no man ought to be divested of his property, but by his own consent or the law of the land.

Resolved, That this Council will not exercise the powers of a court of judicature, and that the said James Caldwell can obtain satisfaction for the injury of which he complains in the ordinary course of law.

Adjourned until 4 ho. P. M.

DIE MARTIS, 4 *ho. P. M. July* 22, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Mr. Harper, Mr. Jay, Mr. Tappen, Colo. De Witt, Mr. Platt, Genl. Scott, Major Van Zandt, Mr. Cantine.

A letter from Dennis Kennedy, dated this day, relative to the property of Peter Corney, who is gone to New-York by permission, on exchange of property, which property was, previous to his departure, made over to the said Dennis Kennedy, enclosing a letter and deposition of the said Peter Corne on the subject, was read.

Ordered, That the said letter and enclosures be referred to the committee appointed to inquire into complaints of the like kind.

A draft of a letter to the committee of Schoharie, (on the subject of their apprehensions of the approach of the enemy in that quarter,) was read and approved of, and is in the words following, vizt:

"*Kingston, July* 22*d*, 1777.

"GENTLEMEN—It greatly astonishes this Council that the settlement of Schoharie, which has always been considered as firmly and spiritedly attached to the American cause, should be panic struck upon the least appearance of danger. Can you conceive that our liberties can possibly be redeemed from that vassalage which our implacable foes are, with unrelenting cruelty, framing for us, without some danger and some vigorous efforts on our part? To expect that Providence, however righteous our cause, will, without a vigorous use of those means which it has put in our power, interpose in our behalf, is truly to expect that God will work miracles for us, when those means, well improved, will afford sufficient security to our inestimable rights. It is your bounden duty, if you wish for the smiles of Heaven in favour of the public cause in which you are so deeply interested, to acquit yourselves like men. A few worthless Indians, and a set of villains, whose base desertion from their country, are all the enemies you have to fear.

"We have good reason to believe that the greatest and most deserving part of the Six Nations are well disposed towards us. This Council is exerting itself to secure you against danger, and only wish you would second their efforts. Tryon county is a frontier to your settlement; in that county Fort Schuyler is a respectable fortress properly garrisoned. Major-General Schuyler has sent up a part of a regiment as a further reinforcement. We have authorized Colonel Harper to raise and embody two hundred men for covering and protecting the inhabitants, and have formed such a disposition of the militia of the county of Tryon for alternate relieves as we hope will tend effectually to secure you.

"If any proclamation or protections should be offered you from the enemy, by all means reject them. From the woful experience of those who have fallen within their power in other parts of the country, we have the highest reasons to believe that your acceptance of those tenders of friendship, should they be made, will render your misery and slavery unavoidable.

"In further attention to the cause of your settlement and Tryon county, we have this morning sent Mr. Robert Livingston to General Washington. He is authorized to concert with His Excellency the most effectual measures for putting the western frontiers of this State in all possible security.

"In the mean time we expect much from your public virtue; that it will induce you to apprehend and send to us the disaffected among you; that it will lead you to the most effectual means of securing your property from the depredations of a weak but insidious foe; and that it will teach you the impropriety of deserting your habitations,

and keep you in continual readiness to repel the assaults of the enemies to the liberty of your country. We write to the general committee of the county of Albany to give you all the countenance, assistance and support in their power.

"I am, &c.

"To the Chairman of the Committee of Skoharie."

Ordered, That a copy thereof be engrossed, signed by the President, and transmitted.

A draft of a letter to the committee of Albany (on the same subject) was read and approved, and is in the words following, vizt:

"*Kingston, July 22d*, 1777.

"GENTLEMEN—The great depression of spirits of the inhabitants of Tryon county and the settlers of Schoharie, give this Council much uneasiness, as it exposes them to the depredations of an enemy whom they might otherwise despise.

"We hope that your committee will not be wanting to support the drooping spirits of the western inhabitants in general, and particularly of those within your county. We have great reason to fear the breaking up of the settlement of Schoharie, unless our exertions be seconded by your efforts. You well know that such an event on the frontiers will not only be attended with infinite mischief to the inhabitants, but will furnish cause of discouragement to the country in general; every means should therefore be tried to prevent it.

"This Council are more earnestly solicitous to put the western frontiers of this State in a situation as respectable as possible; and though they conceive the enemy's strength to consist principally in those exaggerations which result from the threats of our internal foes and the fears of our friends; yet as those may be productive of real mischief, they would endeavour by every means in their power to prevent the evil. Your known exertions in the public cause will not permit them to doubt of your straining every nerve to second their endeavours.

"We are well informed that Major-General Schuyler has sent up part of a regiment to reinforce Tryon. This, with the levy of 200 men which we have authorized Colonel Harper to make, and such other assistance as General Washington may think proper to send up, on a conference with Mr. Robert Livingston, whom we have sent to him for the purpose, will, we hope, place the western frontiers in a state of security.

"The advantage gained by the enemy to the northward, has doubtless exalted both our internal and external foes, and depressed the spirits of our friends. The Council, therefore, recommends your attention to both objects. Exert yourselves vigorously against enemies of every character, and do all in your power to support the drooping spirits of our friends both in Tryon and Albany; and it would be well that for this purpose, you keep up the best understanding and communication with the committee of Tryon, to whom we also write.

"We flatter ourselves that the reinforcement sent by General Schuyler into that county, the levy of 200 troops by Colonel Harper under the authority of this State, the good disposition of the most considerable part of the Indians, and such aids as General Washington may think proper to afford, will quiet the fears of our friends, and dispel danger from the western frontiers.

"I am, &c.

"To the Committee of Albany."

Ordered, That a copy of the same be engrossed, signed by the President, and transmitted.

WHEREAS Colonel John Lasher, Commissary for the military stores of this State hath represented to this Council that he stands in great need of a proper house for a magazine in this town, and that there is a block house in the commons of this town, which was erected by, and at the expense of the Colony of New-York, which would do for a magazine, and requests the same may be appropriated to that use:

Resolved, That the committee of the town of Kingston be informed of Colonel Lasher's application, and that they be requested to put Colonel Lasher in possession of the said block house, or, in case there be any objections thereto, that they signify the same to this Council without delay.

Ordered, That General Scott and Mr. Platt be appointed to inquire of Colonel Lasher relative to the lead belonging to this State, and that they be authorized to give Colonel Lasher such directions relative to the disposition thereof as to them appear proper.

Adjourned until to-morrow morning 10 o'clock.

DIE MERCURII, 10 HO. A. M.

July 23, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Major Tappen, Major Van Zandt, Colo. De Witt, Genl. Scott, Mr Harper, Mr. Platt, Mr. Jay.

For want of another member, adjourned until this afternoon three o'clock.

DIE MERCURII, 3 *ho. P. M. July* 23, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Major Tappen, Colo. De Witt, Major Van Zandt, Genl. Scott, Mr. Harper, Mr. Platt, Mr. Jay, Mr. Gilbt. Livingston.

A draft of a letter to General Putnam, in answer to his of the nineteenth instant, relative to the property of Mrs. Palmer, (whose husband is gone over to the enemy,) was read and approved of, and is as follows, vizt:

"SIR—The Council of Safety have received your favour of the nineteenth instant, and are much obliged by your attention to the interest of this State.

"I am directed, sir, to transmit to you the enclosed copy of a resolution of Convention of the sixth day of March last, from which you will perceive that the wives and children of persons gone over to the enemy are not to be stopped of their wearing apparel and necessary furniture, or deprived of all means of subsistence.

"The Council hope the commissioners of sequestration in Westchester county will execute the trust reposed in them in such manner as may be consistent with the spirit of that resolution and the duties of humanity.

"I am, sir, with respect,

"Your most obt. hum. servt.

"To Major-General PUTNAM."

Ordered, That a copy thereof be engrossed, and that the President sign and transmit the same to Genl. Putnam.

A letter from Gouverneur Morris, Esqr. dated at Fort Edward, the twenty-first instant, was received, read, and is as follows, viz:

"*Fort Edward, 21st July*, 1777.

"SIR—I congratulate the Council upon the sense of Congress relative to our northeastern country, discovered in their resolutions, of which I have several copies. I had seen one, and supposing the letters to Doctor Williams, Mr. Sessions and Doctor Clarke to contain some of them; by the advice of Generals Schuyler and St. Clair, I opened the letters, and finding myself right in that conjecture, I have detained them until your further order.

"Mr. Yates being at Albany, I was under the disagreeable necessity of standing alone whilst I incur your displeasure, should that be the consequence of what I have done.

"The Grants, sir, are in a situation extremely delicate. Skeene is courting them with golden offers: he hath gained many; many more are compelled to submission. There are

not a few warm advocates for the British Government among them. At present, it is of infinite importance to get as many of these people as possible to remove their families and effects, more particularly teams and provisions, from the vicinity of Burgoyne's army. Warner is their leader, and should he be disgusted, depend upon it he will draw after him, in the present circumstances, a very large train; for disagreeable as it may be to tell or to hear this truth, yet a truth it is, that very many of those villains only want a New-England reason, or if you like the expression better, a plausible pretext, to desert the American States, New-Vermont among the rest.

"The enemy will be able to make immense advantages from it, and they will hardly fail of doing so. Skeen is at hand to flatter them with being a separate Province, and what will weigh more, to give them assurances of being confirmed in their titles, howsoever acquired.

"For God's sake, sir, let us take care that we do not, by throwing those people into the arms of the enemy, supply them with what they most want, and cannot get without this imprudence; to do this, with the greatest advantages in view, would not be very wise, but for the sake of a mere feather, (and the government of that country is nothing more, in the present critical juncture,) it would be something too like madness for me to name.

"Genl. Schuyler intends to write to the Council upon the same subject; if the reasons he offers should prove satisfactory, you will despatch an express to prevent the publication of it in Loudon's paper, which I perceive is a part of your plan. We have no news. My respects wait on the Council.

"I have the honour to be, sir,
"Your most obdt. and humble servt.
"GOUVR. MORRIS."

Ordered, That the said letter be referred to Mr. Jay and to Mr. Platt.

A letter from General Schuyler, dated Fort Edward, the twenty-first instant, enclosing copies of the proceedings of a council of general officers, held at Fort Edward the twentieth instant, was read, and is in the words following, vizt:

"At a council of general officers, held at Fort Edward the 20th day of July, 1777—

"PRESENT—Major-General Schuyler, Major-General St. Clair, Brigadier-Generals Nixon, Poor, Patterson, Learned, Ten Broeck, Fellows.

"General Schuyler informed the council that applications had been made to him by several of the officers of the militia to permit at least part of the militia to return to their habitations.

"He also laid before the council the examinations of Colonel Cilly's son and a servant of General Poor sent in by the enemy, and those of two soldiers of the twenty-first regiment, who were made prisoners by our scouts, about six miles below Fort Ann. After reading this information, General Schuyler begged the sense of the council upon the following questions:

"1. Whether in our present situation and that of the enemy at Skenesborough, it would be prudent to dismiss any of our militia?

"2dly. If that measure is thought prudent, what proportion of militia ought to be discharged?

"3dly. What will be the most eligible mode of discharging part of them, so as not to give too much umbrage to such as shall be ordered to remain?

"4thly. Whether, if it should be thought expedient to dismiss part of the militia, any of the militia of the county of Hampshire, in the State of Massachusetts, and of the county of Litchfield, in the State of Connecticut, which are just come up, and which the General is informed are only drafts, and not the whole force of those counties, should be suffered to return?

"On the first and second questions the council are of opinion that although the army is already inferior to that of the least number of the enemy of which we have an account; yet considering the distress that may be brought on the country at this very critical time, when the harvest is so near at hand, should the whole of the militia be detained, and in hopes that a reinforcement of Continental troops will be sent up, that one-half of the militia be permitted to return home.

"On the third question, the council recommend that the brigadier-generals of militia, together with their field officers, adopt such measures as shall appear best adapted to answer the purpose.

"Upon the fourth question, the council are unanimously of opinion that the militia of the county of Hampshire, in the Massachusetts Bay, and those of the county of Litchfield, in the State of Connecticut, should be detained, and that General Schuyler immediately write to the President of the State of Massachusetts Bay, for relief for those of the counties of Berkshire and Hampshire, that will be left here, and for a reinforcement of not less than one thousand rank and file from the State of Connecticut.

"PH. SCHUYLER,
"AR. ST. CLAIR,
"JNO. NIXON,
"ENOCH POOR,
"JNO. PATTERSON,
"EBEN. LEARNED,
"JOHN FELLOWS,
"ABM. TEN BROECK.

(Copy.) "J. LANSING, Junr. *Secy.*"

Ordered, That the said letter be referred to Mr. Jay and to Mr. Platt.

The Auditor-General informed the Board that Colonel Allison, of Orange county had presented to him pay rolls of a regiment under his command, consisting of detachments of militia of Ulster and Orange, lately called into service, to be audited; and that it appears from the said pay rolls, that sundry of the privates for whom pay is demanded had deserted from the said regiment.

The Auditor-General requests the sense of this Board, whether any, and what pay ought to be allowed to the said deserters.

Colonel Allison, also appeared, and informed the Board that in his opinion, one reason for the said desertion was, that Brigadier-General George Clinton, on or about the sixth day of January last, in conversation with him and other officers of the militia, said that he was going home to appoint the officers of the said regiment, and that the said regiment of militia should be relieved as soon as possible; and he made no doubt that it would be at the expiration of ten days at farthest, which was made use of by the officers to induce the men to stay, and that they were not so relieved.

This Council highly disapprove of the desertion of any militia from the public service; yet, as there is some reason to believe that sundry of the said militia were lead to desert from the aforesaid service by an expectation that they would be relieved in ten days after aforesaid conversation with General Clinton:

Resolved, therefore, That such of them who respectively continued in the said service till the expiration of the said ten days, shall respectively receive their pay until the respective days of their desertion, but shall not receive any mileage or subsistence for their return home.

Mr. Jay, Mr, Tappen and Mr. Van Zandt dissent, and request that their dissent might be entered on the minutes.

Adjourned until to-morrow morning 10 o'clock.

DIE JOVIS, 10 HO. A. M.

July 24, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

PRESENT—Pierre Van Cortlandt, Esqr. *President.*

Mr. Jay, Mr. Cantine, Mr. Platt, Mr. Gilbt. Livingston, Mr. Hobart, Major Tappen, Major Van Zandt, Mr. Harper, Colo. De Witt.

A letter from His Excellency General Washington, dated at Smith's Clove, the twenty-second instant, was read and filed, and is in the words following, vizt:

"*Head-Quarters, in the Clove, 22d July,* 1777.

"GENTLEMEN—I am informed by General Geo. Clinton that you have vested him with powers to call out the militia of the counties of Ulster, Orange, Dutchess and Westchester, until the first of August, at which time the new Legislature is summoned to meet.

"As it will probably be some time before the wheels of the new government can be put in motion, I am fearful that unless this power is extended to a future time, there will be a vacancy between Genl. Clinton's present commission and the enacting new laws by the Legislature; a circumstance which, at this time, may prove most fatal in its consequences, because, from the present appearance of matters, the enemy are upon the point of making some capital move.

"I could, therefore, wish, if it can be done with propriety, that before your Board is dissolved, you would extend this power of calling out the militia, to Genl. Clinton, or some other person, till such time as you may reasonably expect the new Legislature will have met and proceeded regularly to business.

"I mention Genl. Clinton or some other person, because, as he will enter into his office of Governor of the State upon the 1st of August, he cannot probably attend to the business of the militia. If you are of opinion that he can, I would prefer him to any other.

"I have the honour to be, gentlemen,
"Your most obt. servt.
"GO. WASHINGTON.

"The Honble. Council of Safety,
State of New-York."

Ordered, That the said letter be committed to Mr. Jay.

A petition signed Lancaster Burling, Stephen Seaman and Alexander Litch Miller, on behalf of the ship carpenters who were employed on the Continental frigates, praying to be further employed, was read and filed.

Ordered, That the said petition be referred to Messrs. Platt and Gilbert Livingston.

A letter from Captain Thomas Greenell, of the Continental frigate Congress, dated at Fort Montgomery, the twentieth instant, enclosing extracts of two letters from the Honourable Francis Lewis, to him, and informing the Council that he was to have the appointment of his own officers, was read and filed.

Ordered, That the said letter and enclosures be referred to the committee appointed to inquire for proper persons as officers for the said ships.

A return of the regiment of militia in Dutchess county, under the command of Colonel David Southerland, as to men, arms, ammunition, &c. was read and filed.

A letter from Cornelius C. Elmendorph, commissary for the Fleet prison, requesting the directions of the Board relative to the disposition of some salt belonging to the State, and brought from Fishkill, was read and filed.

Resolved, That Mr. Harper and Mr. Van Zandt be a committee, with power to direct the commissary to take as much of the said salt as they may think necessary for the use of the prisoners confined in the jail at Kingston and the Fleet prison.

Mr. Hobart came in and took his seat.

Resolved, That the sum of one hundred dollars be paid to Mr. Sheriff Dumont, as a compensation for his extraordinary services; and that the Treasurer of this State do pay the same out of the treasury of this State.

Ordered, That the said sheriff do direct that Jacob Scouten, David Ives, Jesse Noble and Robert Nicholson, confined in jail, be provided with provisions.

A letter from David Currie, commissary for providing the Continental troops raised in this State, with such necessaries as are not furnished to them by the Commissary-General, requesting a further advance of money, and requesting the sense of the Council whether he shall sell to the soldiers on the credit of their monthly pay, was read and filed.

The Council proceeded to the consideration thereof, and thereupon

Resolved, That the state of the treasury will not admit of a further advance to Mr. Currie for the present.

Resolved, That the manner of disposing of the said articles be referred to the discretion of Genl. McDougall, and that he be requested to direct such a mode, (for the disposition of them,) to Mr. Currie, as that the State will not be in danger of sustaining any losses by bad debts.

A letter from John Henry, commissary of clothing, enclosing a general sketch of his account with the State, requesting an advance of money, to pay off sundry accounts by him contracted; and also requesting an augmentation of his pay, was read and filed.

The same was taken into consideration, and thereupon,

Resolved, That the salary allowed Mr. Henry, as commissary of the clothing store, amounting to one hundred and eighty-two pounds ten shillings per annum, is in the opinion of this Council ample and adequate.

Resolved, That Mr. Harper, with the commissary of the clothing store, the Auditor-General and the deputy-treasurer, do make out and present to this Council without delay, a full and fair account of the clothing purchased by this State, the disposition of the same, and the sums advanced by the State, on account thereof; and also, that they report such prices to be affixed to the different articles of clothing, as that the State sustain no loss thereby.

Resolved, That Mr. Platt and Major Tappen be a committee to confer with Mr. Henry, commissary of the clothing store, on the subject of the contracts he hath entered into, on account of this State.

Ordered, That the blank in the order for discharging Mr. Giles from the office of victualler to the Fleet prison, be filled up, and dated as of Monday next.

Adjourned till 10 ho. A. M.

DIE VENERIS, 10 HO. A. M.

July 25, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

PRESENT—Pierre Van Cortlandt, Esqr. *President.*

Mr. Cantine, Mr. Hobart, Mr. Jay, Mr. Platt, Genl. Scott, Mr. Robert R. Livingston, Major Tappen, Major Van Zandt, Mr. Gilbt. Livingston, Colo. De Witt, Mr. Harper.

A petition of John E. Van Allen, (who was, by a resolution of the twenty-seventh day of June last, liberated from confinement, and permitted to remove out of the State, provided such removal should take place on or before the first day of August,) praying that the time for his removal may be lengthened until the first day of September next, was read.

Ordered To lie on the table.

A letter from the committee of Albany, dated July twenty-second, informing that they are willing to liberate John L. Van Allen and John J. Van Alstyne, upon their entering into bonds to appear within six days from their departure from the Fleet prison, before the committee, to give evidence touching and concerning such persons at and

about Kinderhook, suspected to be guilty of inimical practices against the State. The said committee further informed, that the said Van Alen and Van Alstyne were imprisoned for refusing to give such evidence, was read and filed.

The same was taken into consideration.

Resolved, That the said John L. Van Allen and John J. Van Alstyne, be liberated on the terms mentioned in the said letter.

A letter from General Ten Broeck, dated the twentieth day of July instant, informing that he hath already transmitted to this Board, the proceedings of the court martial, respecting the prisoners sent down from Albany to the Fleet prison, was read and filed.

Ordered, That a letter be written to the committee of Albany, requesting them to transmit to this Board the charges against such of the prisoners sent down from thence to the Fleet prison, as have been brought before the court martial in Albany, and could not be convicted for want of sufficient evidence.

A letter from Colonel Van Schaick, accompanying seven prisoners of war, taken at the northward, to wit: Thomas Bostwick, sergeant of the ninth regiment; William Preston, of the 20th regiment; Francis Trotter, John McKay and James Dunn, of the 21st regiment; Joseph McQuire, of the 47th regiment, and Francis Horner of the 53d regiment, of the British army, was read and filed.

Ordered, That the same be referred to the commissary of the prisoners of war.

A letter from Captain Hodge of the Montgomerie, Continental ship of war, on the subject of having the appointment of his own officers for the said ship, was read.

Ordered, That the same be committed to the committee to whom the letter from Captain Greenell is committed.

A letter from Abraham Yates, Esqr. at Fort Edward, the instant, was read and filed.

The Council are informed (through a letter from Mr. Selick Silliman to Mr. Hobart,) that there is now lying at Norwalk a boat belonging to Mr. Shubal Smith of Huntington, who has joined the enemy.

Resolved, That Jesse Brush, Esqr. be authorized and requested to cause the said boat, together with her tackle and apparel, to be sold in the most advantageous manner for the benefit of this State, and that he do transmit the moneys arising from the sale thereof to the deputy treasurer of this State.

Mr. Robert R. Livingston being returned from General Washington's Head-Quarters, informed the Council that he has conferred with His Excellency on the subject of providing a more permanent protection for the inhabitants of Tryon county against the inroads of the enemy, and that His Excellency had directed him to inform the Council that he had already despatched General Glover's division thither.

Ordered, That Mr. Robt. R. Livingston do draft a letter to the committee of Tryon county on the subject, and report the same without delay.

The committee to whom was referred the petition of the shipwrights, setting forth that they had been induced to enter into the service of the northern department by the encouragement given them in a resolution of the late Convention of the 21st of February last; that their tools are detained from them contrary to an agreement made with Morgan Lewis, Esquire, which renders them unable to support themselves and families; and praying the Council to grant them some relief as to their tools, and also to provide means for their being continued in employ; delivered in their report thereon, which was read, considered, amended and approved, and is as follows, to wit:

Resolved, That a letter be written to Major-General Schuyler inquiring into the facts alleged by the shipwrights in their petition.

Resolved, That this Council will recommend a restitution of their tools, if it shall appear that they have been unjustly detained.

Resolved, That as to the encouragement given them by the late Convention, this Council would most cheerfully devise every means in their power for the employment of the shipwrights of this State; but as the said petitioners are without their tools and the Legislature of the State is expected to meet on the first day of August next, think it most prudent that the means for employing the petitioners be referred to them.

Mr. Gilbt. Livingston informed the Council that the accounts of the secret committee of the late Convention still remain in an unsettled state; that himself as well as other members of the said committee are accountable to the public for the expenditure of considerable sums of money; Mr. Livingston therefore requests that the Honble. Robt. Yates, chairman of the said committee, (in whose hands the accounts of the said committee are,) be directed to repair to this place without delay, in order that a settlement of the said account may be made before the dissolution of this Board.

Resolved, That the Honourable Robt. Yates be informed that his presence is necessarily required on public business at this place, and that he be requested to attend this Council without delay.

The petition of John Baptist Dumont, a prisoner on parol, setting forth that his crops of grain and hay are suffering, and prays that he may be permitted to go home on furlough for fourteen days, to gather in his harvest, on his giving security for his returning, was read. And thereupon,

Resolved, That the prayer of the said petition be granted.

Adjourned until 4 ho. P. M.

DIE VENERIS, 4 *ho. P. M. July* 25, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *President.*

Mr. Jay, Mr. Robt. R. Livingston, Mr. Gilbt. Livingston, Major Tappen, Mr. Platt, Colo. De Witt, Mr. Cantine, Mr. Van Zandt, Genl. Scott.

Mr. Jay reported a draft of a letter to His Excellency General Washington, in answer to his of the twenty-second instant, (relative to General Clinton's powers for calling out the militia,) was read and approved of, and is as follows, vizt:

"SIR—Your Excellency's letter of the twenty-second instant, has been received and laid before the Council.

"As the constitution of this State hath committed the sole direction of the militia to the Governor, and as Brigadier-General George Clinton hath been elected to that office, the Council are of opinion that any resolutions for granting him authority to command the militia of four counties, when the nature of his office subjects the militia of the whole State to his orders, would be unnecessary. And although the complete organization of the government may be a work of some time, yet, the powers of calling forth the militia being vested in the Governor, independent not only of the Legislature, but every other officer of government, General Clinton will acquire full authority on his admission into office, to exercise that power.

"The Council have, by letter, desired General Clinton to appear before them and take the oath of office, and they expect he will immediately comply with their request, as they are not informed of any reasons at present which should detain him.

"The Council flatter themselves that these reasons will have equal weight with your Excellency, especially when it is considered that by virtue of the powers granted to the Council of Safety, they do not conceive themselves authorized to do any acts not strictly consistent with the design of their appointment and the spirit of the Constitution. On the Governor's admission to office, all the executive powers of the State are to be surrendered by the Council

to him, and of consequence they can neither alter the nature of those powers or place them in any other hands.

"The Council are much obliged by your Excellency's regard to the interest and welfare of this State, and beg leave to assure you that they will omit no opportunities of evincing the sense they entertain of the important services you have rendered to America in general, and the many instances of attention shown to this State in particular.

"I have the honour to be, with great respect and esteem, your Excellency's most

"Obedt. and humble servt.

"His Excellency Genl. WASHINGTON."

Ordered, That a copy thereof be engrossed, signed by the President, and transmitted.

Mr. Robert R. Livingston, according to order, reported a draft of a letter to the committee of Tryon county, which was read and approved of, and is as follows, vizt:

"GENTLEMEN—In my last letter the Council informed you that they had directed one of their members to wait upon General Washington and advise with him about the state of your county, and request his assistance in your behalf.

"In consequence of a representation of the dangers you apprehend, he has been pleased to order General Glover to embark with his brigade for Albany, there to receive directions from General Schuyler, to whom we write by this conveyance, and we have no doubt that he will afford you every assistance consistent with the general safety of America. We have only to repeat, what was before urged, the necessity of seconding our measures by your efforts. Every part of the State has at different times been under equal dangers with your county, but have been happily prevented by the bravery and spirit with which they were ready to meet them.

"Your own force, even unassisted, is much greater than any that we have reason to believe the enemy can bring against you; let not a timidity unworthy of the cause you are engaged in, and unbecoming the character of freemen, deprive you of it; nor let a base reliance on the fallacious promises of a deceitful enemy subject you to the resentment of your country, and the cruelty of men who in defiance of their own protections, have seldom failed to injure and insult those who were base enough to put themselves in their power.

"I am, gentlemen,

"Your most obt. humble servt.

"To the Committee of Tryon County."

Ordered, That the same be engrossed, signed and transmitted.

Ordered, That a copy of the letter to His Excellency General Washington, be transmitted to Genl. George Clinton.

Ordered, That Mr. Robt. R. Livingston be added to the committee on the letters from Genl. Schuyler and Mr. Morris.

Mr. Robt. R. Livingston has leave of absence until Monday morning.

The committee appointed to confer with Mr. Henry, commissary of clothing (concerning the contracts by him entered into on account of the State) reported that they have performed that business, and that in their opinion the sum of seven hundred pounds ought to be advanced him on account. Thereupon,

Resolved and Ordered, That the sum of seven hundred pounds be advanced out of the treasury of this State, to Mr. John Henry, commissary of clothing, on account.

Mr. Platt, from the committee to whom was referred the letters from the Captains Grenell and Hodge on the subject of appointing officers for the Continental frigates Congress and Montgomerie, reported a draft of a letter to the marine committee, which was read and approved, and is as follows, vizt:

"GENTLEMEN—I am directed by the Council of Safety to inform you that your letter of the twenty-sixth of June, enclosing blank commissions, and requesting this Council to confer with the captains of the Continental ships Congress and Montgomerie for men of good character to fill the different offices on board, has been taken into consideration.

"We have filled up one commission for Daniel Shaw, first lieutenant of the ship Congress; some others have been recommended to us, but we have suspended their appointment until we could be more thoroughly acquainted with their characters.

"You make no mention of the marine officers. Several have been shipped and recommended by the captains, as also Mr. Victor Bicker, who was appointed last winter by Convention agreeable to your directions, a lieutenant of marines, with orders to recruit some men to guard the ships during the winter.

"We should be glad of your directions whether commissions should be filled up for any of the marine officers, and how many.

"If Congress should choose to retain the appointment of marine officers, and have none particularly in view, the Council take the liberty to recommend William Matthewman (who served as lieutenant in Canada) to the command of the marines on board the ship Montgomerie, and Mr. Victor Bicker (who served as lieutenant in General Scott's brigade last year) to a lieutenancy of marines on board the ship Congress.

"The Captains Greenell and Hodge claim a right of appointing their own officers, as will appear by the enclosed copies of their letter.

"I am, gentlemen,

"Your most obt. hum. servt.

"To the Honble. the Marine Committee."

Ordered, That a copy thereof be engrossed, signed by the President, and transmitted, together with copies of the letters from the said Captains Greenell and Hodge to this board.

The said committee also reported a draft of a letter to the said captains in answer to theirs on the same subject, which was also read and approved, and is as follows, to wit:

"SIR—Yours of the twentieth instant has been laid before the Council. I am directed to inform you that the Council are unacquainted with the conditions on which you accepted your commission, and they would have been happy in not having any agency in appointing officers for the ships, and therefore undertook the disagreeable task with reluctance, at solicitation of the marine committee, to whom they have referred your case.

"I am, sir,

"Your most obet. humbl. servt.

"To Captain GREENELL."

Ordered, That a copy thereof be signed and transmitted, and that a similar letter be sent to Captain Hodge.

Adjourned until to-morrow morning 10 o'clock.

DIE SABBATI, 10 HO. A. M.

July 26, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Mr. Gilbt. Livingston, Mr. Tredwell, Colo. De Witt, Mr. Cantine, Major Van Zandt, Mr. Harper, Major Tappen, Mr. Jay.

Mr. Jay, according to order, reported the draft of a letter to General Schuyler on the subject of General Glover's brigade, which is now going up to the northward, and of the complaint of the ship carpenters, who are returned from the northward, was read and approved of, and is as follows, vizt:

"SIR—Your letter of the 21st July instant, has been received and laid before the Council. They approve of the orders you have given relative to Tryon county, and hope when the fears of the inhabitants are a little abated they will cease to be so importunate and unreasonable in their demands of aid.

"General Washington has ordered Glover's brigade to your department, and has intimated to the Council that further reinforcements can not be spared from his army.

"The Council regret the necessity you was under of dismissing part of the militia. Their return will impress false ideas of your strength; and should any accident happen, the prudence of discharging them may be called in question.

"The ship carpenters, lately returned from your department, have presented a petition to the Council, complaining that their tools are detained from them, contrary to an express contract made with your Quarter-Master-General, and praying the interposition of the Council in their behalf.

"However improper it may in general be for public bodies to take notice of private contracts, the Council can not forbear observing, that as these men must maintain themselves and families by their labour, to which tools proper for their trade, and which they can not buy, are essential, their case appears peculiarly hard and excites both the compassion and indignation of the people.

"The Council wish that if their complaints are groundless, they may be furnished with the facts; if well founded, that the cause of them may be removed. The enclosed are copies of their petition and of the contract they refer to.

"I have the honour to be, sir,

"Your most obedt. hum. servt.

"Major-General SCHUYLER."

Ordered, That a copy thereof be signed by the President, and transmitted, together with a copy of their petition and contract, to Major-Genl. Schuyler.

A letter from Capt. Benjamin Wait of the rangers raised in the counties of Gloucester, Cumberland and Charlotte, dated this day, was read and filed. He therein informs the Council that pursuant to the order of Council of the twenty-seventh day of June last he proceeded to the county of Gloucester in order to march his company down to this place; that on his arrival there he found that his officers and men were marched to Ticonderoga; that on their return he ordered them on the fourteenth instant to prepare for marching down immediately which they refused, giving for their reasons that at the time of their engaging they did not expect to be removed from the said three counties, and that Ticonderoga being in the possession of the enemy leaves that frontier open to them, and that they could not think of leaving their wives and children in so helpless a situation. Captain Wait begs the Council to take his case into consideration.

The same being taken into consideration,

Resolved, That Captain Wait be informed that the Council are satisfied with his behaviour; that as the Legislature are to meet the next week, the Council decline entering into any resolutions on the subject of his letter, but that the same be laid before the Legislature.

Adjourned until 4 ho. P. M.

DIE SABBATI, 4 *ho. P. M. July* 26, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Mr. Cantine, Mr. Gilbert Livingston, Mr. Jay, Genl. Scott, Mr. Tredwell, Colo. De Witt, Mr. Harper, Major Tappen, Major Van Zandt.

Ordered, That the Treasurer of this State advance to Colonel John Lasher, Commissary of the military stores belonging to this State the sum of two hundred pounds on account of the expenses incident to his office.

A letter from Mr. Yates and Mr. Morris, the committee appointed to repair to Head-Quarters in the northern department to confer with Major-General Schuyler, &c. dated at Moses creek, the twenty-third instant, was read, and follows in these words, vizt:

"*Moses creek, 23d July*, 1777.
"8 o'clock, P. M.

"SIR—We have received yours of the nineteenth, which hath afforded us great pleasure, since we are able in some measure to collect from it our errand to the northward. One of the most important objects of our journey being, in the opinion of your Honourable Board, to write the news. Could we have conceived that this was your intention in appointing us a committee 'to confer with Major-General Schuyler upon such measures as might from time to time appear necessary to be pursued by this State, for the aid and support of the northern department,' we should have endeavoured to 'correspond with the Council,' so as to have informed them, as far as lay in our power, of the manner of the retreat from Ticonderoga; 'the number of the men that came off, whether any or how many were taken, whether the sick came away, whether the troops brought off their arms, and the like.' It is not in our power, sir, to answer these important objects of our journey, because we are much in the dark about those matters which attract the attention and strict scrutiny of your Honourable Board, and about which the General can give us no information; but we shall leave this place to-morrow morning to wait upon you and answer such questions you shall be pleased to put to us.

"It was determined upon to leave the ground occupied by our advanced posts upon the road to Fort Anne and Fort George, and retire to Fort Edward in the way to this place, having previously removed every thing. About noon the picket guard of the party upon the Fort Anne road was attacked by savages and British troops. It is not, we suppose, of great importance minutely to describe this engagement; we will therefore record nothing more upon your minutes than that we drove off the enemy, and that in so doing we had one man killed and scalped, twelve more killed and twelve wounded, five of them mortally. This evening the retreat was completed to this place, where the General would be strongly posted, if he had men.

"Three hundred of the militia of Massachusetts Bay went off this morning in spite of the opposition, we should have said entreaties, of their officers.

"All the militia on the ground are so heartily tired and so extremely desirous of getting home, that it is more than probable none of them will remain ten days longer. One-half was discharged two days ago, to silence, if possible, their clamours, and the remainder, officers excepted, will soon discharge themselves, at which time the army in the northern department will consist of about twenty-seven hundred Continental troops, sick and well. We make no comments.

"There is the greatest reason to apprehend an attack upon Tryon county, and a variety of information corroborates the supposition; a very small force will, in its present situation, subject it to the enemy, and it will be no difficult matter, at the same time, to compel this army (if it deserves that name) to join Genl. Washington, by which means our whole force will be collected to a point. But, sir, Burgoyne can not fly. If a body of three thousand men can be formed from the militia, &c. of Connecticut, Massachusetts and New-Hampshire, some where upon the Hampshire Grants; if Genl. Washington can spare a reinforcement of fifteen hundred good troops to this army; if, discharging all the militia in the forts and passes of the Highlands, the Governor is put at the head of one-third of the militia of the State and two hundred good riflemen, and sent into Tryon county, we may laugh at Mr. Howe and Mr. Burgoyne. We are too ignorant of the situation of affairs to the southward, to say whether these things are practicable, and therefore give our sentiments upon matters as they appear to us. The Council, who we doubt

not have the best intelligence from that quarter, will be able to determine with precision upon the true line of conduct which is to be pursued. In humble deference to their wisdom, we beg leave to subscribe ourselves, sir,

"Your most obedient and most humble servants,

"ABM. YATES, JUNR.
"GOUVR. MORRIS."

The same being taken into consideration,

On motion of Mr. Jay,

Resolved, That the said letter is disrespectful and unsatisfactory.

Resolved, That the further continuance of the said committee would be unnecessary; and therefore,

Resolved, That the said committee be and hereby is dissolved.

A letter from General Schuyler, dated at Moses creek, the 24th instant, was read, and is in the words following, vizt:

"*Moses creek*, 4 *miles below Fort Edward*,
"*July 24th*, 1777.

"SIR—It is with great pain that I am under the disagreeable necessity of advising you that our affairs in this quarter daily put on a more gloomy aspect. It was evident that, if we had not consented to suffer part of the militia to return to their habitations, in all probability we should lose the whole. It was therefore resolved in full council of general officers, that half should be permitted to leave us, provided the others would remain three weeks. These conditions were accepted by them, and one thousand and forty-six, officers included, of the militia of this State, remained; but not above three hundred out of twelve of those from the county of Berksire in the State of Massachusetts, and out of about five hundred from the county of Hampshire in the same State, only twenty-nine commissioned and non-commisioned officers and thirty-four privates are left, the remainder having infamously deserted; and out of one hundred from Connecticut, who had, like those from Hampshire, just arrived here, very few, if any, remain; and part of that half which remained from this State, so that we have not now above thirteen hundred militia on the ground. I wish we had the most distant prospect to detain one-half of these above five or six days. Our Continental force is between twenty-seven and twenty-eight hundred; with this small body we have to encounter a much more numerous body of the enemy, well appointed, flushed with success, and daily increasing by the acquisition of tories.

"Happy I should still be, in some degree, if I could close the melancholy tale here; but every letter I receive from the county of Tryon, advises me that the inhabitants of it will lay down their arms, unless I support them with Continental troops. From what I have said, you will see the impossibility of my complying with their request. The district of Schohary has also pointedly intimated, that unless Continental troops are sent them, they will also submit to the enemy. Should it be asked what line of conduct I mean to hold amidst this variety of difficulties and distress? I would answer to dispute every inch of ground with General Burgoyne, and retard his descent into the country as long as possible, without the least hopes of being able to prevent it ultimately, unless I am reinforced from General Washington, or by a respectable body of the militia. The former I am advised I am not to have, and whence to procure the latter, I know not. I have written to the eastern States, but do not expect timely succours from thence. I must therefore look up to you; but though I am under the fullest conviction that you will readily afford me every aid in your power, yet I fear it cannot be much.

"In this situation you will be pleased to permit me to observe, that I think the Council of Safety ought to press General Washington for an immediate reinforcement of at least fifteen hundred good Continental troops. Those from our own State if possible, if not, from any of the southern Colonies; one thousand to reinforce me, and the remainder to be sent into Tryon county.

"That the most immediate and pressing application should be made by you to the eastern States, (Connecticut in particular, from which we have not had above one hundred,) for a respectable body of militia; that part of what militia may come from thence, be also sent into Tryon county, and part here; that the greatest number possible of the militia of this State should be sent both ways, and that it should be, in the strongest terms, recommended to the gentlemen of easy fortune to turn out.

"It is not only mortifying, but extremely discouraging to the lower class, and prejudicial to the public, to see so few men of note step forth when their country is in danger.

"I may seem to labour under ideal apprehensions; I believe they are not so. They are founded on a reflection that if General Burgoyne can penetrate to Albany, the force which is certainly coming by the way of Oswego will find no difficulty in reaching the Mohawk river; and that being arrived there, they will be joined not by tories only, but by every person that finds himself capable of removing and wishes to make his peace with the enemy, and by the whole body of the Six Nations. These, forming a junction with Burgoyne at Albany, whilst General Howe presses up the river, it will either put General Washington between two fires, or drive him to the necessity of filing off into New-England. These, sir, are my conjectures; I sincerely wish they may never be realized, although I can not think they are ill founded. I have thus ventured freely to give my sentiments. I hope they will not be thought to arise from a principle which would disgrace a soldier. I assure you they do not; and I hope my countrymen will never have occasion to blush for me, whatever may be the event of the campaign.

"I am, sir, most respectfully,
"Your obedient humble servant.
"PH. SCHUYLER.

"Honble. PIERRE VAN CORTLANDT, &c. &c."

Ordered, That the said letter be committed to General Scott and Mr. Jay.

A letter from the committee of Albany, dated the 24th instant, enclosing a copy of their letter to General Schuyler, dated the twenty-second instant, was received and read, and is in the words following, vizt:

"*Albany Committee Chamber*, 24*th July*, 1777.

"GENTLEMEN—Yours of the 22d instant is now before us, recommending us to use our utmost influence to revive the drooping spirits of the inhabitants of this and Tryon county. A duty so essential as this, has long since been our principal object, by following the example you have recommended to us; but upon the whole, gentlemen, they are only words upon which we have long played; and we earnestly hope they may be realized in such a manner as that the usual confidence the people of this and Tryon county have in our Board, may not depreciate in the eyes of the public, on which head we beg leave to remark, that your sanguine expectations of Colo. Harper's rangers will by no means answer the purpose; the gentleman undoubtedly has abilities, and will exert himself; but when this matter is held up in a more clear view, it will appear that every man, almost, in this and Tryon county, adapted for the ranging service, is engaged in the Continental, occasioned by the amazing bounty that has been given; and on the other hand, the necessary men employed in various branches attending an army, together with the constant drain of militia, though but few in number, occasioned by the above circumstance, are still necessitated to discharge their duty to their country, all which point out to you the impracticability of the plan. After considering of these particulars, (which we believe has not been sufficiently suggested by the Honourable the Council,) we conceive it will be impossible to collect any men on the proposed plan, by reason that their pay and encouragement is not adequate to

the times. If the foregoing difficulties have any weight, you may judge that no essential service can be expected from the rangers, nor can have any weight with the people to the westward.

"We enclose you a copy of a letter by us sent to General Schuyler, from which you will perceive the distressed situation the people of Schoharie are in.

"We are, gent. your most obt. hum. servts.

"By order.

"JOHN BARCLAY, *Chairman.*

"To the Council of Safety
for the State of New-York."

"*22d July*, 1777.

"HONL. SIR—Colo. Vrooman and two other gentlemen from Schoharie, are now with us, and represent the distress their county is driven to.

"Threats, they hourly receive; their persons and property are exposed to imminent danger: nearly one-half of the people heretofore well disposed, have laid down their arms, and propose to side with the enemy. All which change has taken its origin from the desertion of Ticonderoga, the unprecedented loss of which, we are afraid, will be followed by a revolt of more than one-half of the northern part of this county. We therefore beg leave to suggest whether it would not be advisable to detain one or two companies of Continental troops, which are expected here, to be sent that way for a few days, which we suppose might bring the greater part again to a sense of their duty.

"We are, &c.

"JOHN BARCLAY, *Chairman.*

"The Honbl. Major-Genl. SCHUYLER."

Ordered, That the said letter and the enclosure be committed to General Scott and Mr. Jay.

Adjourned till to-morrow 4 ho. P. M.

DIE SOLIS, 4 HO. P. M.

July 27, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *President.*

Genl. Scott, Colo. De Witt, Mr. Jay, Mr. Tredwell, Mr. Cantine, Major Van Zandt, Mr. Harper, Major Tappen, Mr. Gilbt. Livingston.

The committee to whom was referred the letter of the twenty-fourth instant, from the committee of Albany, reported a draft of an answer, which was read and approved of, and is in the words following, vizt:

"GENTLEMEN—Your letter of the twenty-fourth inst. has been received and laid before the Council. It was not by words alone that the Council expects the drooping spirits of the inhabitants of Tryon county should be revived, nor do they know any other way of realizing those expectations than by vigorous exertions.

"It is highly unreasonable to expect that the militia of other States or additional detachments from the Continental army should be sent to Tryon or Schohary, when their own exertions, with the aid already afforded, would secure them. Harper's rangers are not the only measures taken for their support; a third part of the militia is ordered to be embodied, and the Council will provide for their pay. But if when their all is at stake, they should think the wages too little, and from such degenerate mercenary principles refuse to march, they will merit the distinction to which their want of courage and public spirit will expose them.

"It is by example, not speeches, that the Council wish they may be encouraged. They expect the county of Albany will exert itself; that their leading men on other occasions, will not be backward now; that they will march with the militia, and animate the body of the people by their perseverance, spirit and patriotism. If the salvation of such a cause be not sufficient to induce us to such actions, future generations may with propriety say that we did not deserve to be free. If malcontents among you are fomenting divisions or encouraging a revolt, they ought to be immediately apprehended, and it is presumed you have sufficient strength at least for the purpose of internal government. If a few dispirited people are permitted to lay down their arms, and with impunity, not only to disobey orders, but to say they will side with the enemy, government has become base and feeble indeed. Your powers are equal to all these exigencies, and the Council hope you will exert them. That large drafts of men have been made from the militia is a fact not to be denied; but it is equally true that their number is still very respectable, and if they please, very formidable. In short, there is reason to fear that the panic and irresolution which seems to prevail in the western district, will, by being introduced into the history of the present glorious contest, injure the reputation which this State has justly acquired by its strenuous and noble exertions in the common cause of America.

"I am, gentlemen, with respect,

"Your most obedt. humble servts.

"*P. S.* We have the best assurances that General Glover, with his brigade, is sent up to reinforce the northern department, and we flatter ourselves that Major-General Schuyler will, as he finds himself reinforced, cause troops to file off for the defence of the western frontiers. To facilitate this we have wrote pressingly to the Governor of Connecticut for aid.

"To the Committee of Albany."

Ordered, That a copy thereof be engrossed, and signed by the President, and transmitted.

The same committee reported a draft of a letter to Governor Trumbull, which was read and approved, and is in the words following, vizt:

"SIR—The Council of Safety has directed me to transmit to your Excellency the enclosed extracts of a letter from Major-General Schuyler.

"The condition of the northern department has become alarming and critical. The evacuation of Ticonderoga was a very unexpected event, and has been attended with an unhappy influence on our affairs.

"The people are disgusted, disappointed and alarmed.

"The Council are constrained to observe that it is not in their power to afford General Schuyler much aid. Five counties of this State are in the possession of the enemy; three others are disunited by malcontents, who meditate a revolt, and are attempting to avail themselves of the present troubles, to advance their interested purposes, inasmuch that all order of government has ceased among them. Of the remaining six counties, a third part of the militia of three of them, namely: Orange, Ulster and Dutchess, has been in actual service ever since May last, and are yet in the field. Westchester has been so harrassed by the incursions of the enemy from New-York, that during the last winter and almost ever since, their militia have been obliged to provide for their own defence. A third part of the county of Tryon are ordered to embody without delay; and a considerable proportion of Albany, are already marched or marching to the field; add to this the number of inhabitants constantly employed on the communications in transportations, &c. and the still greater number who tempted by prospects of ease or profit have quitted this invaded State, and sought inglorious ease among our more peaceful neighbours, and your Excellency will perceive how greatly our strength is exhausted. Heaven has blessed us with a plentiful harvest, and it deserves consideration that other States besides this will be affected by the loss of it.

"It is unnecessary to observe to your Excellency that the destruction of this State will bring the horrors of war to the doors of many who now seem idle spectators of it.

"We hope the State of Connecticut will on this occaion exert herssl f in a manner becoming the character she hath hitherto sustained, in the scale of American importance,

and that New-York will not be left unsupported in this day of trial.

"I have the honour to be your Excellency's

"Most obedient humble servt.

"His Excellency Govr. TRUMBULL."

Ordered, That a copy thereof be engrossed, and signed by the President, and transmitted, together with the said extracts of General Schuyler's letter.

Ordered, That a letter similar to that directed to Governor Trumbull, be sent to the President of Massachusetts Bay, and the President of New-Hampshire, and similar extracts of General Schuyler's letter enclosed in each of them.

The same committee reported a draft of a letter to His Excellency General Washington, which was read and approved, and is in the words following, vizt:

"SIR—By order of the Council of Safety, I have the honour of transmitting to your Excellency the enclosed extracts of a letter from Major-General Schuyler, and a copy of a letter from the Council to Governor Trumbull.

"Such is the state of our northern affairs at present, as to promise the enemy an easy conquest. This State is greatly exhausted, and our New-England brethren are not yet roused. The Council request that your Excellency will be pleased to animate them to more vigorous and manly exertions, and they wish that if the state of military operations with which your Excellency is best acquainted, would admit of it, a reinforcement from the southern States might be obtained for our support; and particularly against the expected invasion by the way of Oswego, by the success of which, they will be more immediately and deeply affected, as their frontiers as well as those of this State, would be thereby exposed to depredation.

"What new miracles Providence may have in reserve for our deliverance, or what further measures General Howe may pursue to defeat his own purposes, are uncertain. Our affairs, however, in the northern department, wear a gloomy aspect, and the Council think it their duty to leave no means unessayed to repel the enemy, and render the issue of the present campaign glorious to the American arms.

"I have the honour to be,

"With great respect and esteem,

"Your Excellency's most obedt. humble servt.

"His Excellency Genl. WASHINGTON."

Ordered, That a copy thereof be engrossed, and signed by the President, and transmitted. And,

Ordered, That copies of all the said letters, and of General Schuyler's letter, and of the letter from the commitee of Albany, and the answer thereto, be sent to the Delegates of this State.

Adjourned until to-morrow morning 10 o'clock.

DIE LUNÆ, 10 HO. A. M.

July 28, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Mr. Cantine, Mr. Jay, Mr. Harper, Mr. Gilbt. Livingston, Genl. Scott, Colo. De Witt, Mr. Tredwell, Major Tappen, Major Van Zandt.

Mr. Jay reported a draft of a letter to Genl. Schuyler, which was read and approved of, and is in the words following, vizt:

"SIR—I am directed to acknowledge the receipt of your favour of the instant, and to transmit you the enclosed papers, from which you will perceive what measures have been taken by the Council. In consequence of it, you may rely, sir, on the utmost exertions of this Council to afford succour to your army. They have little reason to expect that the aid of this exhausted State will be very considerable.

"I am, with respect, sir,

"Your most obt. humble servt.

"Major-General SCHUYLER."

Ordered, That a copy thereof be signed, and, together with copies of the letters of this Council, to General Washington, the States of Connecticut, Massachusetts and New-Hampshire agreed to yesterday, be transmitted.

The petition of Elnathan Foster, praying leave to seek for and provide a place for his family, was read.

Resolved, That the prayer be granted.

The memorial of Colonel Malcom, that the resolutions of the late Convention exempting from all drafts of the militia those who should provide a man to enlist in either of the five Continental regiments raising in this State, be extended to his regiment, was read and filed.

Ordered, That the said memorial be referred to the Legislature.

Adjourned until 4 ho. P. M.

DIE LUNÆ, 4 *ho. P. M. July* 28, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Mr. Cantine, Mr. Harper, Major Tappen, Major Van Zandt, Mr. Gilbt. Livingston, Colo. De Witt, Mr. Tredwell, Genl. Scott, Mr. Morris, Mr. Robt. R. Livingston.

Mr. Morris being returned from Head-Quarters in the northern department, informed the House of the state of the army there.

Resolved, That Mr. Jay and Mr. Morris do repair to Head-Quarters and confer with His Excellency General Washington about the state of the northern army, the means of reinforcing it, and all such other matters as respect the defence of this State.

And that they represent to His Excellency the necessity of providing garrisons for the forts in the Highlands, as the term for which the militia now stationed there are engaged will soon expire.

And further, that they correspond with this Council and return with all convenient speed.

Adjourned until to-morrow 10 ho. A. M.

DIE MARTIS, 10 HO. A. M.

July 29, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Mr. Cantine, Mr. Robt. R. Livingston, Mr. Harper, Mr. Tredwell, Colo. De Witt, Major Tappen, Major Van Zandt, Mr. Platt, Mr. Gilbt. Livingston.

Resolved, That Messrs. Samuel Drake, Joseph Hobby and Elijah Hunter be permitted to transport flour from this State (by land or water) to either of the eastern States, and that it be earnestly recommended to all the friends of America to permit them to transport by land or water through the said eastern States into this State, salt or any other article for the inhabitants thereof, and also to aid them in such commerce.

Major Van Zandt and Major Tappen dissent.

Resolved, That a similar permit be granted to Robert Graham, Esquire.

Major Van Zandt and Major Tappen dissent.

A letter from Lieutenant Colonel Hornebeck, with a return of the regiment under his command, was read and filed.

The committee appointed to examine Ephraim Bogardus relative to the escape of the prisoners from on board of the Fleet prison, reported that Andries Ten Eyck, a prisoner on board the said prison, appears to have been a principal in seizing and disarming the guard, by which means those prisoners escaped. Thereupon,

Ordered, That the sheriff of Ulster county do cause proper irons to be provided for the said Andries Ten Eyck; that he be sent on board the Fleet prison, to be there confined in irons until further orders.

Adjourned until 4 ho. P. M.

DIE MARTIS, 4 *ho. P. M. July* 29, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *President.*

General Scott, Mr. Robt. Harper, Mr. Platt, Mr. Gilbt. Livingston, Major Tappen, Mr. Cantine, Mr. Robt. R. Livingston, Colonel De Witt, Mr. Tredwell.

A letter from General Putnam, dated the twenty-eighth instant, relative to Edmund Palmer, who has been tried at Peekskill and sentenced to be hanged as a spy, was read, and follows in these words, to wit:

"*Peekskill, July 28th*, 1777.

"DEAR SIR—Enclosed I send you a copy of the trial and sentence of Edmund Palmer, who went over to the enemy. By the proceedings of the court martial and their finding, you will see his crime, that he lurked in the woods continually, surprised by night and day the inhabitants, robbed and plundered them of their property, and kept them in a continual alarm. But what particularly demands speedy execution from the military power, is his being a spy, lurking within our lines to discover our situation and strength, to give intelligence to the enemy and to persuade our people to desert over to them.

"I thought proper to lay before the Honourable Convention of this State the whole process and judgment against him, with some observations made thereon, and wish it may meet their approbation. I wish that such a line of conduct might be adopted by the military department as not only would not infringe upon the civil, but would give no just occasion of jealousy.

"I shall expect advice from the Convention respecting the proceedings and execution of Palmer, by return of the bearer, and in case it meets their approbation; would ask the favour of you, sir, to deliver the copy of the trial and sentence, with the observations made thereon, to the printer to be published, as I imagine publications of this kind ought to be made for warning to others.

"I have the honour to be, sir,
"With the greatest respect,
"You obt. humble servt.
"ISRAEL PUTNAM.

"The Honble. PIERRE VAN CORTLANDT,
President of the Convention of the State of New-York."

The proceedings of the said court martial relative to the said Edmund Palmer, were read and filed.

Ordered, That the said proceedings be committed to Mr. Tredwell, and that he prepare a draft of a letter in answer thereto.

A letter from Colonel Stephen J. Schuyler, dated the twenty-third instant, requesting the discharge of John Clint from the Fleet prison, was read and filed.

The question being put, it was unanimously agreed that the said John Clynt be not discharged.

A letter from Comfort Sands, dated this day, relative to a parcel of sugars belonging to Colonel Joseph Drake, Peter Van Dervort, Richardson Sands and himself, seized by the State of Connecticut, was read.

Ordered, That the said letter be committed to General Scott, and that he prepare an answer thereto.

A draft of a letter to John Sloss Hobart, Esqr. was read and approved of, and is in the words following, to wit:

"SIR—I am directed to inform you that Mr. Morris has been requested to repair to Head-Quarters, in order to confer with the General on the state of the northern army, so that you will be under the necessity of acting alone.

"As the credit of our paper currency must depend more upon our success than any other measure, we wish you to press on the Deputies from the eastern States the necessity of reinforcing the northern army, which is much weaker than is generally supposed, and without great efforts it will be impossible to stop General Burgoyne's progress.

"Next to this, taxation is the only means of preserving the credit of our bills; and if the same mode was universally adopted, it would be attended with the desired effect.

"I am, sir, your humble servant.

"JOHN SLOSS HOBART, Esqr."

Ordered, That a copy thereof be engrossed, signed by the President, and transmitted by express.

A petition of Joshua Haight, Zophar Green, Benjamin Jacaks, Jonathan Dean and Tripp Mosher, five Quakers, in the Fleet prison, praying liberty to return to their families, was read and filed; and on the question being put, the prayer thereof was rejected.

Mr. Tredwell reported, (according to order,) a draft of an answer to the letter of Major-General Putnam's, which was read and approved, and is in the words following, vizt:

"SIR—Yours of the twenty-eighth instant, enclosing a copy of the proceedings of the court martial, in the trial of Edmund Palmer, is come to hand; in answer to which I am directed to inform you that the resolutions of the Convention of this State, which authorized court martials to try persons guilty of treasonable practices against the State, expired the first day of July instant. That, therefore, if any person shall be apprehended within this State by the army, for offences which, by the Continental articles or the common rules of war, are not cognizable by a court martial, such offenders ought to be delivered to the civil magistrate. But that the Council are clearly of opinion that the case of Palmer, as a spy, is properly cognizable by a court martial, and if he is sentenced as such, their confirmation of the sentence is by no means necessary, if for the other crimes mentioned they are not authorized to confirm it.

"I have the honour to be, with great respect, sir,
"Your most obt. humb. servt.

"To the Honble. Major-General PUTNAM."

By order, a copy thereof was engrossed, signed by the President, and delivered to General Putnam's messenger.

General Scott suggested to the Council, that the aid of this Council or of the future Legislature will be necessary, to compel several persons to whom the State has advanced money, to account for the same to the Auditor-General, to enable him to close the public accounts.

Thereupon,

Resolved, That the Auditor-General of this State report to this Council a complete state of the public accounts of this State, which falls within his department, on Thursday next, or assign his reasons for not doing the same.

Adjourned until ten o'clock to-morrow morning.

DIE MERCURII, 10 HO. A. M.
July 30, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

PRESENT—Pierre Van Cortlandt, Esqr. *President.*

Major Tappen, Mr. Platt, Colo. De Witt, Mr. Gilbert Livingston, Mr. Tredwell, Major Van Zandt, Mr. Cantine, Mr. R. R. Livingston, Mr. Harper.

The petition of Hendrick Klumb, a prisoner on board of the Fleet prison, setting forth the distresses of his wife and a large family, and the risk of losing his crops by his confinement, offering to give his property as security for his good behaviour, or to take the oath of allegiance to the State, and praying to be discharged, was read.

Ordered, That he be discharged on taking the oath of allegiance to the State, and paying all his fees and expenses.

The petition of Richard Wragg, late of Saratoga in the county of Albany, now a prisoner on board the Fleet prison, praying to be discharged, was read.

Ordered, To lie on the table.

A letter from the committee of Claverack, dated the twenty-ninth instant, was read, and follows in these words, vizt:

"*In District Committee, Claverack, July 29th*, 1777.

"This committee having received from George Teter, heretofore an inhabitant of the said district, and now a prisoner at Kingston, for disaffection to the cause of American freedom, a petition, requesting this board to recommend him to the Council of Safety for his discharge.

"Thereupon,

"*Resolved*, That it be recommended, and it is hereby recommended to the said Council of Safety, that the said George Teter be released from confinement upon his taking an oath of allegiance to the State of New-York, and taking an oath to give testimony of all such matters and things which he may know respecting any traitorous conspiracies or combinations against the liberties of America, and enter into recognizance in the forfeiture of all his goods and chattels, lands and tenements, for the faithful observance of the resolves and regulations of Congress, and the Convention or Council of Safety, or future Legislature of this State, and such orders of this Committee or militia officers of the district as are grounded upon such resolves and regulations.

"LAWRENCE FONDA, *Chairman*."

Thereupon,

Resolved and Ordered, That the said George Teter be discharged on the terms mentioned in the said recommendation; and that one of the Secretaries be, and is hereby authorized to administer to him the oaths within mentioned, and take such bond or recognizance as is therein mentioned, and that he be thereupon discharged, paying his fees and expenses.

"*Kingston, in Ulster County, ss.*—I, George Teter, do solemnly swear and declare, in the presence of Almighty God, that I will bear true faith and allegiance to the State of New-York, as a good and faithful subject of the said State, and will do my duty as such subject ought to do, so help me God. +"

"I, George Teter, do solemnly swear and declare, in the presence of Almighty God, that I will give testimony to the Legislature of the State of New-York, or to the committee of the district of Claverack, or to any magistrate or militia officer of all such matters and things which I know, or may hereafter know, respecting any traitorous conspiracies against the liberties of the United American States, or either of them; or any combination against the measures adopted by the State of New-York, or any committee in the said State, for defence against the King and Parliament of Great Britain, or any other enemy or enemies whatsoever: So help me, God. +"

The bond of the said George Teter to the Treasurer of this State, in the sum of conditioned agreeable to the request of the committee of Claverack, was read.

Mr. Robert R. Livingston reported the examination of Francis Horsman, which is in the words following, to wit:

"The voluntary examination of Francis Horsman, a prisoner, of the fifty-third regiment, lately taken near Fort Ann:—He says, that he wishes to swear allegiance to this State, and to quit the British service, provided he is not forced to fight against them, which his former oath obliged him not to do.

"That the regiments in Canada were stationed near Quebec; one at Montreal, one at St. John's and Chambly. That the troops with Genl. Burgoyne consist of the following regiments: the 9th, 20th, 21st, 42d, 24th, 53d, 62d, British, and almost 4,500 foreigners. That each company consists of about 62 men, inclusive of officers; that 50 men from each regiment were left in Canada, together with 500 foreigners and the 31st, 29th and 34th regiments; that there are about 400 Canadians and as many Indians with General Burgoyne; that Sir John Johnson, with about a thousand men, exclusive of Indians, had left Montreal, before they quitted Canada, in order to penetrate by the Mohock's river."

A draft of a letter to His Excellency General Washington was read and approved of, and is in the words following, vizt:

"SIR—We enclose your Excellency the examination of a prisoner, which we have reason to believe is true, as it exactly corresponds with every other information that we have received from that quarter.

"Our army is extremely weak; the country exhausted; our neighbours languid, and our people threatened with invasions on every quarter.

"In this state, we can only apply to your Excellency to second our endeavours; without which the enemy will easily accomplish the object which they have so long and earnestly pursued, and obtain full possession of this State.

"Governor Clinton will be qualified this day, so that your Excellency's future requisitions from this State will be directed to him.

"I have the honour to be,

"Your Excellency's most obedient humble servt.

"His Excellency Genl. WASHINGTON."

Ordered, That a copy thereof be engrossed, signed by the President, and transmitted to His Excellency General Washington, together with the intelligence received from Francis Horsman.

A petition of Thomas Bostock, William Preston, Francis Trotter, John Macky, James Dunn, Joseph McGuire and Francis Horseman, prisoners, now in Kingston, was read and filed,

Among other things, they thereby pray for a supply of clothing. Thereupon,

Resolved and Ordered, That the Secretaries of this Council, as commissaries of the prisoners of war in this State, or either of them, be and hereby are authorized and directed to receive from the commissary of clothing, such clothing as they may find necessary for each of the said prisoners of war, ascertaining the price and value of the articles afforded to each.

His Excellency George Clinton, duly elected Governor of this State, appeared in Council of Safety and took the oath of allegiance to the State, and also the oath of office of Governor, as prescribed by the ordinance of the Convention of the Representatives of the said State, made and passed the eighth day of May last, for organizing and establishing the government agreed to by the said Convention. The said oaths were administered by the President in Council, and are subscribed on the roll by the Governor in Council.

Thereupon the Council of Safety agreed to and ordered a proclamation for declaring and proclaiming the Governor of this State, in the words following, vizt:

"IN COUNCIL OF SAFETY for the State of New-York, "*July* 30, 1777.

"*A Proclamation.*

"WHEREAS His Excellency George Clinton, has been duly elected Governor of this State of New-York, and hath this day qualified himself for the execution of his office, by taking in this Council the oaths required by the constitution of this State, to enable him to exercise his said office: This Council doth, therefore, hereby, in the name and by the authority of the good people of this State, proclaim and declare the said George Clinton, Esqr. Governor, General and Commander-in-Chief of all the militia, and Admiral of the navy of this State, to whom the good

people of this State are to pay all due obedience, according to the laws and constitution thereof.

"By order of the Council of Safety.

"PIERRE VAN CORTLANDT,

"*President.*

"God save the people."

Ordered, That Mr. John Holt immediately print five hundred copies of the said proclamation.

Ordered, That the said proclamation be made and published by the sheriff of Ulster county, at or near the court house in Kingston, in Ulster county, at six o'clock this afternoon.

Resolved and Ordered, That Captain Evert Bogardus and Captain John Elmendorph do cause the companies of militia under their respective commands to appear at the court house in Kingston, at six o'clock this afternoon, properly armed and accoutered, at which time and place His Excellency George Clinton will be proclaimed Governor of this State.

Ordered, That the Secretaries show to His Excellency the Governor all the letters lately received from General Schuyler and Tryon county, and deliver to the Governor copies of any such of them as he may think proper.

Adjourned until 6 ho. P. M.

DIE MERCURII, 6 *ho. P. M. July* 30, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *President.*

Genl. Scott, Colo. De Witt, Capt, Platt, Major Van Zandt, Mr. Gilbt. Livingston, Major Tappen, Mr. Tredwell, Mr. Cantine.

The Council met and attended the proclamation of the Governor; then adjourned until 10 o'clock to-morrow morning.

DIE JOVIS, 10 HO. A. M.

July 31, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

PRESENT—Pierre Van Cortlandt, Esqr. *President.*

Mr. Tredwell, Mr. Platt, Colo. De Witt, Major Van Zandt, Major Tappen, Mr. Harper, Mr. R. R. Livingston, Mr. Gilbt. Livingston, Genl. Scott.

Mr. R. R. Livingston brought in certain resolutions relative to the militia that may be drafted, or called out into service. The same were considered and read by paragraphs. After some time spent therein, it was referred for farther consideration.

A message from His Excellency the Governor, by Major Lush, was received, read, and follows in these words, vizt:

"GENTLEMEN—I have perused the sundry letters from Genl. Schuyler, and other papers, copies of which by an order of your House of yesterday, were to be delivered to me by your Secretary.

"Our public affairs in the northern department are in a situation that demands particular attention, and the utmost exertions of military force, to prevent the enemy from pursuing their late advantages, and penetrating farther into this State; and I should be happy were it in my power to order out a reinforcement of militia equal to Genl. Schuyler's expectations.

"By His Excellency Genl. Washington's letter to me, dated the 25th July inst. (a copy of which will be herewith delivered,) you will observe that he mentions the expediency of immediately calling out from the States of Connecticut and New-York, from one thousand to fifteen hundred men of the militia, to occupy the posts and reinforce the garrisons in the Highlands; this number, with the Continental troops which will be left there, after giving a proper support to Genl. Schuyler, will, in His Excellency's opinion, be sufficient.

"The proportion to be furnished by this State is five hundred, and it shall be my first business to issue the necessary orders for marching them to the respective stations for which they are intended.

"I am nevertheless apprehensive that I shall find it extremely difficult to complete even this small number. The Continental pay and rations being far below the wages given for ordinary labour, the difference becomes a tax, rendered by personal service, and as the train band lists, from the exemption arising from age, office and other causes, consists chiefly of the middling and lower class of people, this extraordinary tax is altogether paid by them. Add to this that unless a proportionate number is called out of each county, which in most cases is inexpedient, the counties raising the most men are, upon the same principle, charged with an extra tax to which the other parts of the community do not contribute.

"These reasons are so obvious as to be generally understood and complained of, and unless those exercising the legislative power of the State shall, in their wisdom, speedily devise some plan on which those inconveniences will be obviated, I am extremely apprehensive that any orders for calling detachments to the field for a limited time, will be hereafter not so duly obeyed as the nature of military command and the good of the service absolutely require.

"It would be needless to observe to you, gentlemen, that though my office as Governor gives me the command of the militia, I am not vested with authority to promise even the Continental pay and subsistence to any greater number of men than those required of me by His Excellency the Commander-in-Chief, whose requisition entitles those who are called into actual service in consequence thereof to a compensation from the Continent at large.

"GEO. CLINTON.

"*Kingston, 31st July, 1777.*"

The copy of the letter from General Washington (referred to in the said message) to the Governor, was then read, and follows in these words, vizt:

"*Pumpton Plains, 25th July, 1777.*

"DEAR SIR—Yours of yesterday reached me at this place. Considering the situation in which you say the hard bread is, instead of bringing it forward, I have directed Genl. Sullivan's and Lord Stirling's divisions to draw three days' provisions each before they leave King's ferry. If any remains after supplying them it may be sent back to the forts.

"Whether the enemy's real designs are southward or eastward, in order to oppose them effectually and to give proper support to Gen. Schuyler, I shall be obliged to draw off a considerable part of the present force from Peekskill, and there can be no substitute but militia under our present circumstances. I think it would be expedient immediately to call in from one thousand to fifteen hundred from the States of New-York and Connecticut; the proportions I leave to be settled between Genl. Putnam and yourself.

"I do not apprehend much danger from the garrison that is left in New-York, but were the posts up the river left in too defenceless a state, it might be a temptation for them to seize them.

"I have desired Genl. Putnam to make a demand of as many of the Connecticut militia as you and he shall allot to them.

"I do not know what number of militia are at present in service, but I do not mean one thousand or fifteen hundred exclusive of them. That number altogether, in addition to the Continental troops, will, in my opinion, be sufficient.

"I am, dear sir,

"Your most obed. servt.

"GO. WASHINGTON.

"Genl. CLINTON."

Ordered, That General Scott and Mr. Robt. R. Livingston be a committee to confer with the Governor on the

subject of his said message, and to report to the Council thereon; and that the further consideration of the resolutions relative to the militia, which have been in consideration this morning, be deferred until the report of such conference.

Adjourned until 4 ho. P. M.

DIE JOVIS, 4 *ho. P. M. July* 31, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *President.*

Genl. Scott, Mr. Cantine, Colo. De Witt, Mr. Gilbt. Livingston, Major Tappen, Mr. Tredwell, Mr. R. R. Livingston, Mr. Harper, Mr. Platt, Major Van Zandt.

The Council resumed the consideration of the resolutions, the consideration whereof was postponed until this afternoon.

General Scott and Mr. Robt. R. Livingston reported that they had conferred with His Excellency the Governor, on the subject of his message.

The said resolutions being again read, were then read by paragraphs and agreed to and are in the words following, vizt:

WHEREAS it hath pleased Almighty God, for the trial of our virtue and the punishment of our manifold offences, to direct the operations of the enemy's arms against this State, and hath thereby not only called on us to repent sincerely of our sins but manfully to maintain those inestimable privileges which he hath graciously been pleased to bestow, and will, as we firmly hope mercifully continue to us, if we are not wanting to ourselves: AND WHEREAS it hath been represented to this Council, that many able bodied men withdrew themselves from the service of their country under the exemption grant by the militia law and refuse to contribute any thing to the expense of such as go into actual service: Therefore

Resolved, That upon any future drafts from the militia, all persons below the age of sixty years as well such as are exempt by office or profession as otherwise; and all who have heretofore borne commissions, (except such as are hereafter excepted) shall be forthwith enrolled with the captains of the company in whose beat they reside; and that previous to such draft, the field officers of the regiment to which such exempts belong, shall chose two substantial freeholders out of the commissioned officers of the said regiment; who, in case of any disagreement, may choose a third, to be assessors of the said regiment; which said assessors having taken an oath before the officers commanding the regiment to act with justice and impartiality shall before any draft made, assess the said exempts for their personal service, in proportion to the value of that personal service and their estates. Provided that such assessment shall not exceed ten dollars for every month for which such militia shall be drafted, nor less than one dollar per month; which money so assessed shall, if unpaid after notice given be levied in like manner as the fines of each regiment are, and given as a bounty to such of the regiment as enter into the service for the time for which such draft is ordered to be made.

Provided nevertheless, if any exempt shall prefer standing his draft to paying the sum assessed, it shall be at his option so to do, and in case of his being drafted, he shall go into actual service or find a person to serve in his stead.

Resolved, That the above resolutions shall not extend to such persons as shall have procured a soldier to enlist in either of the Continental battalions directed to be raised in this State agreeable to the resolutions of the late Convention, of the third day of April last, or the several resolutions of this Council continuing the same, nor to members of the Legislature or their necessary officers, nor to judges, justices and the sheriffs who have qualified under the present constitution, nor to ministers of the gospel, nor to the chairman and two members of the county committee to be chosen either by vote of the said committee or by lot, nor to the chairman and two members of every precinct or district committee to be chosen in like manner, who are hereby empowered to act in case the other members of such committee should be drafted in like manner as if they were the majority of such committee, nor to infirm men whose estates do not exceed the value of two hundred pounds, to be determined by the said assessors.

It is nevertheless earnestly recommended to all those who are by their civil appointments prevented from rendering personal services in a military line, to encourage the draft by generous contributions in like manner as if they had been actually assessed.

Resolved, That the above resolutions shall continue in force until twenty days after the meeting of the future Legislature, unless sooner repealed.

AND WHEREAS many exempts and officers who have heretofore borne commissions in the county of Dutchess, have voluntarily associated themselves for the defence of American liberty.

Resolved, That such of the said exempts as choose to render personal service, shall be permitted to go out with the militia, under the command of such officers as they shall have chosen, notwithstanding any assessment which may have been made upon them in the regiment in which they are enrolled by virtue of the above resolutions, and in case any of the said exempts shall rather choose to pay the said sum so as above assessed, it shall be paid in like manner as if they had not associated to the use of the regiments in which he or they are enrolled as above.

Ordered, That Mr. Holt immediately print two hundred copies thereof.

General Scott and Mr. Robert R. Livingston, in pursuance of their conference with the Governor, reported the following resolutions, which were read by paragraphs and unanimously agreed to, vizt:

WHEREAS the Honourable the Congress, His Excellency General Washington and the Honourable Major-General Schuyler, have made requisitions from the militia of this State to reinforce the army on the northern frontiers and the garrisons of the fortresses in the Highlands,

Resolved, That Continental pay and rations be advanced on behalf of the Continent, to all such militia as His Excellency the Governor shall think proper to call out in consequence of the above requisitions.

Resolved, That His Excellency the Governor, be empowered to draw upon the treasury of this State for any sum not exceeding three thousand pounds, in order to answer the present exigencies of the State, and to account for the same with the Legislature thereof.

Captain Schoonmaker, at his request being admitted, informed the Council, that by order of Colonel Hornebeck, fifteen men of his regiment are arrived at this place to continue the guard at Kingston, in obedience to an order of this Council. Captain Schoonmaker further informed the Council that he has thirty men in his company to keep the said guard: Therefore,

Ordered, That the said militia of Colonel Hornebeck's regiment be discharged, and that Mr. McKesson, one of the Secretaries, inform Colonel Hornbeck and Lieutenant-Colonel Elmendorph that Captain Schoonmaker's company is sufficient for that guard at present, and that therefore their regiments are excused from furnishing any men for that purpose until further order.

Mr. Platt produced an account of Elias Hasbrouck, amounting to four pounds and four pence, for provisions furnished to Captain Castle, on board of the sloop Camden, on the fifth day of June last, for the support of the prisoners in the Fleet prison.

Ordered, That Cornelius E. Elmendorph pay to the said Elias Hasbrouck the said four pounds and four pence, taking a receipt for the same, and charge the State therewith in his accounts as commissary for the said prison.

Mr. Robert R. Livingston having lately waited on His Excellency General Washington by order of this Council,

to advise with His Excellency relative to the aids necessary for the army in the northern department, whereby he has expended five pounds sixteen shillings.

Ordered, That the Treasurer of this State pay to the said Robt. R. Livingston the sum of five pounds sixteen shillings, for his disbursements expended for the maintenance of Johannes Frear, his attendant, and himself, while on that service.

A letter from Comfort Sands, Esqr. Auditor-General, relative to the several sums of money due to the State and unaccounted for, was read. He thereby assigns the reasons why the public accounts are unsettled, and enclosed a list and account of the arms and accoutrements delivered to the several regiments which were raised and served in this State during last campaign.

Ordered, That the said letter and enclosures be committed to Mr. Platt and Major Tappen, to report thereon.

A letter from Philip Brooks, now a prisoner at Kingston, to his wife Elizabeth, was delivered to the Council, to be perused for their consent to have it forwarded.

The Council determined that the said letter is impudent, and contains several falsehoods.

Ordered, That the same be filed with the Secretaries.

Ordered, That Captain Henry Benson attend the Council to-morrow, or as soon as he shall have received notice; and that the Secretary send him notice thereof.

Adjourned till 10 o'clock to-morrow morning.

DIE VENERIS, 10 HO. A. M.

August 1, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Major Tappen, Colo. De Witt, Mr. Platt, Mr. Robt. R. Livingston, Mr. Cantine, Major Van Zandt, Mr. Tredwell, Mr. Harpur.

A letter from Robert Livingston, Esqr. dated yesterday, sent by express, accompanying a letter from Colo. Peter R. Livingston, dated Hartford, the twenty-ninth July ult. was received and read.

The following letter to Govr. Trumbull was read and agreed to, and is as follows:

"*Kingston, August 1st*, 1777.

"SIR—It gives us pain at this critical and alarming season, to trouble you with private cases; but it is the duty of this Council at all times to extend their protection to the good subjects of this State. Mr. Comfort Sands, our Auditor-General, has, in behalf of himself, Mr. Peter Vandervoort, Colonel Joseph Drake and Mr. Richardson Sands, all subjects of this State, made application to us for the interposition of this Council, concerning a quantity of sugars, their property, detained in the State of Connecticut. From his information, their case is as follows:

"In the months of October and November last, those gentlemen purchased 80 hhds. of sugar at Providence, in the State of Rhode-Island, which, at the time of the enemy's descent on that island, they transported to the State of Connecticut, with intent to import them by land into this State. Soon after the importations of those sugars into Connecticut, a law was passed in your State to prevent the exportation of West India goods, without a special permit from the Governor. We are further informed by those gentlemen, that some time since they obtained a permit to convey their whole quantity of sugars out of the State of Connecticut. That in consequence of such permit they did export a part of them, and that in attempting to export three hhds. and one tierce, that quantity was seized by the sheriff of Hartford, for the use of the troops in your state. They further allege that they have been offered for their sugar £3 6*s*. lawful; the price limited by a law of your State, a price which they say is greatly below the first cost.

"The aforesaid gentlemen are all refugees from different parts of this State which are in the hands of the enemy, and those of them who reside in your State, cannot be considered as voluntary residents; and in this view are to all intents and purposes, except that of a temporary allegiance to Connecticut, subjects to this State. We flatter ourselves that our brethren of Connecticut feel for the calamities of the subjects of this State too sensibly to add to their distress. Be pleased, sir, to consider, that by whatever laws the wisdom of your government may think it necessary to bind the proper subjects of your State, great indulgences ought to be allowed to our much distressed and unhappy subjects. Excluded as we are from the benefit of the seaport towns of this State by an unrelenting enemy, who have made New-York the seat of war, our sister States afford the only passage for the introduction of foreign necessaries into this State.

"If therefore, sir, the laws of your State should be so framed as by their letter to prevent the exportation of those necessaries acquired by our subjects out of your State, we hope you will interpose with your Legislature and endeavour to procure an exemption in favour of the subjects of this State to the end that the only channel of necessary imports may not be shut up against us.

"We are sir, with the greatest respect and esteem,

"Your Excellency's most obedient servants.

"By order of the Council.

"His Excy. Govr. TRUMBULL."

Ordered, That a copy thereof be engrossed, signed by the President, and transmitted to His Excellency.

Adjourned until to-morrow morning 10 o'clock.

DIE SABBATI, 10 HO. A. M.

August 2, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

PRESENT—Pierre Van Cortlandt, Esqr. *Prest*.

Mr. Harper, Major Tappen, Colo. De Witt, Mr. Cantine, General Scott, Mr. Tredwell, Mr. Platt, Major Van Zandt, Mr. R. R. Livingston.

A letter from the committees of Albany, dated the thirty-first July, informing of their apprehensions of the enemy's approaching Fort Schuyler, and requesting a reinforcement of the militia of Ulster and Dutchess, and enclosing an extract of a letter from Colonel Gansevoort to Colonel Van Schaick, dated Fort Schuyler, July the twenty-eight, and a copy of a letter from Thomas Spencer, at Oneida, relative to the disposition of the Indians, was read, and is in the words following, vizt:

"ALBANY COMMITTEE CHAMBER,
"31*st July*, 177.

"SIR—From the enclosed advices you will be informed that the enemy are approaching towards Fort Schuyler. It gives us pain to observe to you that it is our opinion our forces in either the northern and western communications are inadequate to oppose the numbers that are advancing against them. Gen. Schuyler has with him 1,000 of the militia of this county, as great a number as can be sent, allowing a small part to gather in the harvest. Those that are in the service, and the disaffected, makes a considerable part of our county. The greatest part of the militia from the eastward that agreed to stay with the General have since deserted.

"The ravages committed by the enemy, without respect to persons, sex or age, make our situation truly deplorable. If some of the militia from Ulster or Dutchess counties were sent, it would be of infinite service.

"We are sir, with respect,

"Your very hum. servts.

"By order, JOHN BARCLAY, *Chairman*.

"To the Honble. the President
of the Council of Safety."

Extract of a letter from Colo. Gansevoort, to Colo. Van Schaick, dated Fort Schuyler, 28th July, 1777.

"Dear Sir—Yesterday at 3 o'clock in the afternoon, our garrison was alarmed with the firing of four guns. A party of men was instantly despatched to the place where the guns were fired, which was in the edge of the woods, about 500 yards from the fort; but they were too late. The villains were fled, after having shot three girls, who were out picking raspberries, two of whom were lying scalped and tomahawked; one dead and the other expiring, who died in about half an hour after she was brought home. The third had two balls through her shoulder, but made out to make her escape. Her wounds are not thought dangerous; but by the best discoveries we have made, there were four Indians who perpetrated these murders.

"I had four men with arms just passed that place, but these mercenaries of Britain come not to fight, but to lie in wait to murder; and it is equally the same to them, if they can get a scalp, whether it is from a soldier or an innocent babe.

"I was this day informed by an Oneida chief, who has lately been to Canada, by the Honourable Major-General Schuyler's orders, that Colo. Butler is at Oswego with 500 Indians, and that Sir John Johnson is just at the other side of Oswego with 1,000 men, consisting of regular troops, and the remainder Canadians and tories; and that Sir John had sent orders to Colo. Butler to send off 130 Indians from Oswego, to stop the communication; and the main army under the command of Sir John, would pay us a visit in eight days' time. Sir John gives the Indians the fullest assurance, that when he makes his appearance before this garrison, that we will run off and leave our post. I doubt not but he will find himself greatly mistaken; and I trust we will be able to give him such a warm reception, that he will give up all hopes of ever seeing his old habitation.

"Agreeable to your orders, we have obstructed Wood creek.

"Yours, &c.
"PETER GANSEVOORT."

Another letter from the committee of Albany, dated yesterday, was received, read, and follows in these words, to wit:

"*Albany Committee Chamber, 1st August*, 1777.

"Hond. Sir—The enemy are now at Fort Edward, with their main body; our army has retreated to Saratoga. The committee are of opinion that the presence of the Council of Safety here, would be of infinite service to the great cause in which we are embarked, as it would awe the disaffected, and animate the timid, and that they will have it in their power more effectually to raise the strength of the country, and procure assistance from the neighbouring States to reinforce our army.

"If the Council of Safety should coincide in this opinion, which is the sincere wish of this committee, I am ordered earnestly to request their presence here with all possible despatch.

"I am, Hon. sir, your most obt. hum. servt
"By order.
"JOHN BARCLAY, *Chairman.*

"The Honble. the President
of the Council of Safety."

Ordered, That the Secretary do immediately wait upon His Excellency the Governor with the said letter.

A draft of a letter to the committee of Albany, in answer to theirs received this day, was read and approved of, and is in the words following, vizt:

"Sir—In answer to yours of the thirty-first ultimo and yesterday, I am directed to acquaint you that since the Governor has been qualified, the executive powers of the State are vested in him by the constitution; therefore, that to him alone all applications respecting the militia should be made.

"Your letters have been laid before him, and he has informed us that he has taken the necessary steps to raise and forward the militia in the most expeditious manner in his power.

"The Council having no executive powers, could be of no use to you by removing to Albany.

"I am, with respect, sir,
"Your most obedient humble servant.

"John Barclay, Esqr. Chairman of the
Committee of Albany."

Ordered, That a copy thereof be signed by the President, and transmitted by express.

Ordered, That Colonel Lasher, or his deputy, do employ all the armourers in this town, to repair all the arms in his custody, without delay; and also to continue making cartridges of different sizes until further order.

Adjourned until to-morrow 4 ho. P. M.

DIE SOLIS, 4 ho. p. m.

August 3, 1777.

The Council met pursuant to adjournment.

Present—Genl. Scott, Mr. Yates, Colo. De Witt, Mr. Tredwell, Mr. Platt, Major Van Zandt, Major Tappen, Mr. Harper.

For the want of the President, (who being prevented by the rain from crossing the river,) the members present adjourned until to-morrow morning 10 o'clock.

DIE LUNÆ, 10 ho. a. m.

August 4, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

Present—Pierre Van Cortlandt, Esqr. *President.*

Mr. Tredwell, Mr. Yates, Mr. Harper, Mr. Platt, Major Van Zandt, Major Tappen, Colonel De Witt, General Scott.

A letter from Major-General Schuyler, dated the first day of August instant, at Saratoga, enclosing a copy of a letter from Thomas Spencer, dated at Oneida, July the twenty-ninth, were respectively read, and follows in these words, vizt:

"*Saratoga, August* 1, 1777.

"Sir—The letter, of which the enclosed is a copy, I received a few moments ago, with a large belt of wampum, from the Indians by express. The troops under my immediate command, are already too weak to maintain our ground against Burgoyne; and should I detach any to oppose the enemy expected from the westward, it would involve the army in this quarter in additional difficulties, and God knows we have a large share already.

"I have desired Colonel Van Schaick to apply for all the militia of Schoharie, Duanesburgh, Schenectady and Tryon county, that can be collected; but I foresee that nothing will be effected, unless a committee of your Body is deputed to repair to Albany. Give me leave, therefore, most earnestly to beg that measures may be immediately adopted, as the greatest exertions are requisite to baffle the efforts of the enemy, and to prevent them from possessing themselves of this State.

"Yesterday, by the unanimous advice of the general officers, I moved the army to this place, as the ground we occupied was too extensive for the troops we have, nor was it possible to contract them without exposing us to immediate ruin.

"I have been on horseback all day reconnoitering the country for a place to encamp on, that will give us a chance of stopping the enemy's career. I have not yet been able to find a spot that has the least prospect of answering the purpose, and I believe you will soon learn that we are retired still further south.

"Yesterday I was honoured with your letter of the 28th July, enclosing sundry papers. I am very apprehensive

that a systematical submission will take place in this quarter of the country, for nothing can equal the consternation of the people. The militia are daily decreasing, and I have no prospect of a reinforcement from any of the eastern States. I wish I could say that the troops under my command were in good spirits; they are quite otherwise. Under these disagreeable circumstances, the enemy are acquiring strength and advancing.

"I doubt not but the Council of Safety will make the utmost exertions to afford me succour. I wish they may be such as to enable me to face the enemy in the field.

"Should we be rendered capable of giving them a check before any attempt is made on the Mohawk river, I trust they would soon be ruined. I am not without hopes on this head.

"I am, sir, with great respect,
"Your obedient, humble servant,
"PH. SCHUYLER.

"The Honble. PIERRE VAN CORTLANDT, &c. &c."

"*Oneida, July 29th*, 1777.

"SIR—At a meeting of the chiefs, they tell me that there is but four days remaining of the time set for the King's troops to come to Fort Schuyler; and they think it likely they will be here sooner. The chiefs desire the commanding officers of Fort Schuyler to exert themselves in their defence—not make a Ticonderoga of it; but they hope you will be courageous. They desire General Schuyler may have this with speed, and send a good army here; there is nothing to do at New-York; we think there are men to be spared. We expect the road is stopped to the inhabitants by a party through the woods. We shall be surrounded as soon as they come. This may be our last advise, as these soldiers are part of those that are to hold a treaty. Send this to the committee. As soon as they receive it let the militia rise up and come to Fort Schuyler. To-morrow we are going to the Three Rivers to the treaty. We expect to meet the warriors; and when we come there and declare we are for peace, we expect to be used with indifference, and sent away. Let all the troops that come to Fort Schuyler take care on their march, as there is a party of Indians to stop the road below the fort, about 80 or 100. We hear they are to bring their cannon up the creek. We hear there are one thousand going to meet the enemy. We advise not. The army is too large for so few men to defend the fort. We send a belt of eight rows to confirm the truth of what we say. It looks likely to me the troops are near. I hope all friends to liberty, and that love their families, will not be backward, but exert themselves, as one resolute blow would secure the friendship of the Six Nations, and almost free this part of the country from the excursions of the enemy.

"Your very humble servant and well wisher,
"THOS. SPENCER.

"To the officers of Fort Schuyler and the committee on Mohawk river, so on to Genl. Schuyler.
"(Copy.)"

Ordered, That the Secretary wait upon His Excellency the Governor, with the said letter and enclosures.

Ordered, That Captain Schoonmaker do immediately make return to this Board of his company, as well officers as men, together with the times of their respective enlistments; and that he cause such of them as are not on duty, to be paraded at the court house at six o'clock this afternoon, rendering an account of such as do not appear.

Adjourned until this afternoon 4 o'clock.

DIE LUNÆ, 4 *ho P. M. August* 4, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Genl. Scott, Major Van Zandt, Major Tappen, Colo. Dewitt, Mr. Harper, Mr. Platt, Mr. Yates, Mr. Tredwell.

On reading a letter from Thaddeus Crane, Esquire, informing that he received a wound in repulsing the enemy at Ridgfield, on the twenty-sixth day of April last, which confined him to his bed for a long time, by which he was put to great expense and loss of time, and desiring to know from the Council whether he is to receive any wages or relief, and where to apply for the same:

Resolved, That the Secretary inform Mr. Crane that the Council are of opinion that it would be improper to enter into the consideration of his case at present, as, without doubt, there are many others in the like circumstances, and therefore recommend it to him to lay his case before the Legislature at their first meeting.

Captain Schoonmaker, according to order, delivered in a return of his company, which was paraded at the court house, by which it appears that there are twelve men enlisted in the said company more than is directed by the resolutions of this Council.

Ordered, That Captain Schoonmaker do discharge such of his men as have been enlisted since the complement of the said company was completed.

A letter from Major John Wheelock, dated at Northfield, July the twenty-fourth, directed to the Honourable John Jay, Robert R. Livingston and Gouverneur Morris, was read, and follows in the words, vizt:

"*Northfield, 24th July*, 1777.

"SIRS—Permit me to recommend to your Honours' notice Captain Samuel Paine, whom I have the pleasure to meet here this morning on his way to Kingston with some of the men under his command. He will be able to inform you of the state of that country and my corps.

"By some misfortune, the soldiers at Fishkill got dispersed, contrary to my express order, but are now chiefly returning to their duty; of all which I shall be able to inform as soon as the truth can be obtained. It is my steady and highest ambition to discharge every trust reposed in me so as to merit your satisfaction, and approbation of the Legislature.

"With great respect, I am, sirs,
"Your Honours' most devoted and very humble servant,
"JOHN WHEELOCK.

"The Honourable J. JAY, R. R. LIVINGSTON, and GR. MORRIS."

Major Van Zandt informed the Council that Lieutenant Connely, a recruiting officer, did, without the leave of this Council or the committee for superintending the Fleet prison, go on board the said prison and enlist a certain Lawrence Vosburgh, then a prisoner confined there; that the said Lawrence Vosburgh was, by order of the Council, afterwards discharged from his said confinement and permitted to go at large; that the said lieutenant does now claim the said Lawrence Vosburgh as his recruit.

Major Van Zandt moved for the sense of the Council, whether the said lieutenant, under the circumstances above mentioned, ought, of right, to claim the said Lawrence Vosburgh as his recruit.

The same being taken into consideration,

Resolved, That the said Lieutenant Conely has no right to claim the said Lawrence Vosburgh as his recruit.

Adjourned until to-morrow morning 10 o'clock.

DIE MARTIS, 10 HO. A M.

August 5, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Mr. Platt, Mr. Yates, Mr. Tredwell, Mr. Harper, Major Tappen, Major Van Zandt, General Scott.

For want of another member to form a quorum, the members present adjourned until three o'clock this afternoon.

DIE MARTIS, 3 *ho. P. M. Augt.* 5, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *President.*

General Scott, Colo. De Witt, Major Tappen, Major Van Zandt, Mr. Yates, Mr. Harper, Mr. Platt, Mr. Tredwell.

A letter from Isaac Bloom, of Nine Partners, in Dutchess county, dated the fourth instant, was read. He thereby gives the character of Dirck Doty, lately confined in Kingston jail.

Ordered, That the said letter be referred and delivered to the committee of Kingston, by whom the said Dirck Doty was committed.

A message from His Excellency Governor Clinton, was read, and follows, in these words, to wit:

"GENTLEMEN—As the public emergencies render the meeting of the Legislature of the State at this time extremely inexpedient, as will appear in some measure by the papers herewith delivered you, I think it advisable to prorogue the Senate and Assembly until the 20th instant; but as this can not be done in the accustomed form, for want of a great seal, I wish to have the sentiments and advice of your Honourable Board, on the propriety under those circumstances, of proroguing the Senate and Assembly by proclamation, under my hand and seal at arms.

"GEO. CLINTON.

"*Kingston, 5th August,* 1777."

The copy of General Washington's letter therein enclosed, was read, and follows in these words, vizt:

"*Chester, 1st Aug.* 1777.

"DEAR SIR—I had proceeded thus far in order to look out for a proper place to arrange the army, when I received the provoking account, that the enemy's fleet left the Capes of Delaware yesterday, and steered eastward again. I shall return again with the utmost expedition to the North river; but as a sudden stroke is certainly intended by this manœuvre, I beg you will immediately call in every man of the militia that you possibly can, to strengthen the Highland posts. The importance of Fort Montgomery is such, that I wish you to repair immediately to it if you possibly can, consistent with the duties of the office upon which you have newly entered.

"I am, dear sir, yr. most obd. ser.

"GO. WASHINGTON.

"GEO. CLINTON."

The copy of General Putnam's letter therein enclosed, was also read, and follows in the words, viz:

"*Peekskill, August 4th,* 1777.

"DEAR SIR—Last night, ten o'clock, I received a letter from General Washington, advising that the enemy's fleet left the Capes of Delaware the last day of July, 8 o'clock in the morning, and that they are undoubtedly designed against this post, directing me to call for the militia from this State and Connecticut immediately to come in. I sent off to Connecticut about three o'clock this morning, to Govr. Trumbull, Generals Woolcot and Silliman; and what renders the point clear, is their having so many troops at King's Bridge. Three hundred horses came there the other day from Long island, with horses and carriages, and great preparations have been making there, as though some important expedition was on foot. As you are acquainted with all this country, and can render infinite service by being present, I must entreat you to come immediately down, if it may possibly consist with your duty as Commander-in-Chief of the State, and resume your old post for a short time, and call all the militia of the State to our immediate assistance.

"I am, most respectfully,

"Your obedt. humb. servt.

"ISRAEL PUTNAM.

"His Excellency Govr. CLINTON."

His Excellency's said message was again read, and taken into consideration. Thereupon,

Resolved, That though this Council cannot presume to intermeddle with the prorogation itself, yet with respect to the form in which the same should be made, it is their sentiments and advice, that considering the necessity of the case, His Excellency may safely make the prorogation aforesaid, under his hand and seal at arms, without the danger of establishing any evil precedent.

An application from Captain Frederick Schoonmaker, requesting an order for a supply of seven hundred and fifty cartridges for the use of his company, for which he will be accountable, was received.

Ordered, That Colonel Lasher, commissary of military stores of this State, deliver to Captain Frederick Schoonmaker, seven hundred and fifty cartridges for the use of his company, taking his receipt, to be accountable for the expenditure thereof.

Ordered, That Cornelius E. Elmendorph, as commissary, sell and dispose of the hides and tallow of the cattle killed for the support of the prisoners, and credit the same, with the amount thereof, in his accounts.

A petition of Israel Green and Israel Duel, requesting the discharge of Joshua Haight, Benjamin Jacocks, Zophar Green, Jonathan Dean, Trip Mosher and Paul Upton, of the people called Quakers, now in the Fleet prison, was read.

A letter from Colonel David Southerland, informing that the said Quakers reside in his regiment, and that he will see them forthcoming when called for, was read.

A letter from Melancton Smith to Peter Cantine, giving his opinion that they may be discharged, with a memorandum of Peter Cantine to the same purpose, was also read.

A letter from Wheeler Case to Zephaniah Platt, Esqr. making the same request, was also read.

On motion of Mr. Harper, seconded by Mr. Tredwell,

Ordered, That the said Joshua Haight, Benjamin Jacocks, Zophar Green, Jonathan Dean, Trip Mosher and Paul Upton, be discharged from their confinement on taking an affirmation of allegiance to the State of New-York, and paying all fees and expenses accrued or occasioned by their commitment and support.

Resolved and Ordered, That the President issue a pardon to Andrew Keyser, and if Andreies Keyser should enlist in the Continental service, that the officer with whom he shall enlist, do not give any certificate to excuse any person thereby from military duty, and that no other person of the militia shall by the service of the said Andries Keyser in the Continental army, be excused from military duty, or from detachment in the militia.

On motion,

Resolved, That an express be sent for Messrs. Robert R. Livingston and Gilbert Livingston to-morrow, if they or one of them should not arrive, and it should be necessary to form a quorum of this Board.

Mr. McKesson, one of the Secretaries, brought into Council, His Excellency the Governor's Proclamation, proroguing the Legislature of this State, under his hand and seal at arms, which was so issued from the necessity of the case and for want of a great seal of the State. And the said secretary informed the Council that he received the said Proclamation from His Excellency, who requested that it may be filed among the records and papers of this Council; the same being read, is in the words following, vizt:

[L. S.] "By His Excellency George Clinton, Esqr. Governor of the State of New-York, General and Commander-in-Chief of all the Militia, and Admiral of the Navy of the same.

"*A Proclamation.*

"WHEREAS the public emergencies do at this time render a meeting of the Legislature of this State inexpedient, I do therefore by virtue of the authority reposed in me by the constitution thereof, prorogue the Senate and Assembly of this State, until the twentieth day of this instant, August, and the said Senate and Assembly are hereby

prorogued until that day, of which the people of this State are required to take notice and govern themselves accordingly.

"Given under my hand and seal at arms at Kingston, in the county of Ulster, this fifth day of August in the year of our Lord one thousand seven hundred and seventy-seven.

"GEO. CLINTON.

"By His Excellency's command,

"STEPHEN LUSH, *Secry.*

"God save the People."

Major Tappen informed the Council of Safety, that in obedience to their order of the ninth of July last, he purchased two horses for public use, for express riders passing to and from the northern to the southern armies, and *vice versa*. That he has paid for one, twenty-six pounds; and for the other, twenty-nine pounds; and for shoeing one of them, twelve shillings.

Ordered, That Major Tappen procure the said horses to be kept in the best manner at public expense. And

Ordered, That the Treasurer of this State pay to Major Tappen thirty-five pounds and twelve shillings for his disbursement above mentioned, and charge the same to Continental account.

Adjourned until to-morrow morning ten o'clock.

DIE MERCURII, 10 HO. A. M.

August 6, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

PRESENT—Pierre Van Cortlandt, Esqr. *President.*

Mr. Tredwell, Mr. Yates, Mr. Harper, Mr. Platt, Major Tappen, Major Van Zandt, Colo. De Witt.

For the want of another member to form a quorum, the members present adjourned until to-morrow morning 10 o'clock.

DIE JOVIS, 10 HO. A. M.

August 7, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

PRESENT—Pierre Van Cortlandt, Esqr. *President.*

Mr. Tredwell, Mr. Yates, Mr. Harper, Mr. Platt, Mr. Gilbert Livingston, Major Tappen, Major Van Zandt, Colonel De Witt, Mr. Robt. R. Livingston.

A letter from Colonel Abraham P. Lott, dated Boston, July the twenty-second, relative to the disposition of the salt by him purchased on account of this State, was read, and

Ordered, That the said letter be referred to Mr. Platt and Colonel De Witt; and that they be empowered to give Colonel Lott such directions as may be necessary.

An account of John R. Livingston, amounting to six hundred and thirty-five pounds thirteen shillings, for bounty on powder, and for one hundred weight of powder delivered to Mr. John Harper, by order of Convention, for the use of the Onaghquaga Indians, manufactured at his powder mill in Rhinebeck precinct, was presented and read.

A certificate signed by John Cantine and John Welles, Esqrs. commissioners for settling the accounts of the northern department; that there is lodged in their office receipts that Philip Van Rensselaer, commissary of stores, hath received of John R. Livingston, the quantity of gunpowder, as charged in his account for bounty. Mr. Livingston delivered in also a receipt of John Harper, for the one hundred weight of gunpowder delivered to Mr. Harper. Mr. Livingston produced his affidavit taken before Judge Wynkoop, that all the said powder as charged in his said account was manufactured at his mill.

Ordered, That the said account be referred to the Auditor-General, to be by him audited for payment.

A letter from Major-General Schuyler, dated at Stillwater, August the fourth, enclosing a copy of his letter to Congress, was read, and follows, vizt:

"*Stilwater, August* 4th, 1777.

"SIR—I take the liberty to enclose you a copy of a letter of this date, which I have done myself the honour to address to Congress. The Council of Safety will thereby see the alarming situation our affairs are in; and I trust they will continue to adopt such measures as will tend to preserve the State from the ruin with which it is threatened.

"Perhaps, if His Excellency the Governor, was to put himself at the head of the militia, they would turn out in great numbers, and afford us such a reinforcement as to enable us to keep our ground; and if the eastern States should also send succours, we should then in all probability be able to ruin General Burgoyne's army; for if he should meet with a repulse, it would be so extremely difficult for him to retreat, that I should hope a very considerable part of his army would be lost.

"I have the honour to be, sir, respectfully,

"Your obedient humble servant,

"PH. SCHUYLER.

"Honourable PIERRE VAN CORTLANDT."

"*Stillwater, August* 4, 1777.

"SIR—By the unanimous advice of all the general officers, I have moved the army to this place. Here we propose to fortify a camp, in expectation that reinforcements will enable us to keep the ground, and prevent the enemy from penetrating further. I wish I could say that we had any prospect of such reinforcements. None of the militia from the State of Massachusetts, or this State will remain with me, above five or six days longer, the time of service for which Colo. Long's regiment is engaged expires on the 7th inst. This diminution with what we sustain by desertion, sickness, and in skirmishes with the enemy, will reduce us to an alarming weakness.

"What effect my repeated application to the State of Massachusetts will have, I cannot determine, as I have not yet been honoured with an answer. Governor Trumbull informs me that he has requested General Washington to send troops, which he would replace; that he waits his Excellency's answer, and in the mean time has ordered the militia brigadiers to draft and equip the men; but in what numbers, or when I may expect them, he does not advise me of. I am equally uncertain whether I may expect any from this State.

"It is a melancholy consideration, that whilst our force is daily diminishing, the enemy increases theirs by a continual acquisition of tories in very considerable numbers.

"It is impossible at present to procure a return, but I am very certain we have not above four thousand Continental troops—if men, one third of which are negroes, boys and men too aged for field, or indeed any other service, can with propriety be called troops. If it should be asked how boys, negroes and such aged men came to be sent, I can only answer, that the States from whence these troops are come may possibly determine it. The fact is as I have stated it—literally so. And I may add that a very great part of the army took the field in a manner naked, without blankets, ill armed, and very deficient in accoutrements, and still continue so to be, without a prospect of relief; and, to add to our misfortunes, many, too many of our officers would be a disgrace to the most contemptible troops that were ever collected; and have so little sense of honour that cashiering seems no punishment. They have stood by and suffered the most scandalous depredations to be committed on the poor, distressed, ruined and flying inhabitants. I must not, however, omit saying that we have many officers that would do honour to the best army that ever took the field; but their exertions being

counteracted by the worthless, it is impossible for them to do what they wish. Perhaps Congress may think it necessary to invest me with a power in council of general officers to suspend officers for mal-conduct until the pleasure of Congress is known. Should that power be conferred, and I receive it whilst we are still an army, it is possible that we may continue so and get into some order.

"General Burgoyne is at Fort Edward. He has withdrawn his troops from Castletown and is bending his whole force this way. He will probably be here in eight days, and unless we are well reinforced, as much farther as he pleases to go.

"I am, sir, very respectfully,
"Your most obdt. hble. servant,
"PH. SCHUYLER.

(Copy.)

"The Honble. JOHN HANCOCK, &c. &c.

Ordered, That a copy of the said letter be immediately transmitted to His Excellency the Governor.

The Secretary brought into Council a copy of His Excellency the Governor's orders for a detachment of lighthorse to serve as riders between this place and Head-Quarters in the northern department, and between this place and Newburgh, for the more speedy conveyance of public despatches.

The same was read, and is as follows, vizt:

"*Kingston, General Orders, 5th Augt.* 1777.

"Capt. Salsbury, of the Kingston lighthorse, is to furnish a detachment of his company, to consist of a non-commissioned officer and six privates, to be stationed at Kingston, and between that and the northern army, in the most convenient manner, to serve as expresses between the northern and southern armies; their particular stations to be assigned them by the Council of Safety. An equal number of Capt. Woodhull's company will be stationed at Newburgh, and between that and Fort Montgomery, and so to Head-Quarters, in order that the earliest advices may be communicated to either department of the army and to the Council of Safety. As soon as the particular stations are fixed for these detachments, His Excellency Genl. Washington and Genl. Schuyler are to be advised thereof. When any person belonging to this detachment shall be charged with despatches, he is to be careful to deliver them to one of the detachments at the next station, to be immediately carried forward. And if at any time the person at such station shall be absent, the person possessed of the despatches is in such cases to proceed without delay to the next station, and so on till he shall find one of the party to take charge and forward the same, never trusting them out of his possession, but with one of the party whose duty it is to forward them.

"Colos. Pawling's, Snyder's, Graham's, Freer's, Humphrey's and Southerland's regiments, are, in addition to the late orders given them, to hold themselves in perfect readiness to march on a moment's warning; and if the enemy should approach the western frontier of Ulster county, Colo. Pawling will send out proper parties to prevent their distressing the inhabitants, to be detached from his and Colo. Snyder's regiments, for which purpose the frontier companies of Allison's and McClaghry's regiments are also left at home.

"The detachment of lighthorse are to keep exact accounts of their necessary extra expenses, that the same may be paid them, and charged to the public.

"GEO. CLINTON."

Resolved, That Mr. Abraham Yates and Major Tappen be a committee, with full power, to regulate and direct the stages of the lighthorse (ordered out by His Excellency the Governor) between this place and Head-Quarters in the northern department, and between this place and Newburgh, in the precinct of Newburgh; and that the said committee be empowered, from time to time, to give further directions in the premises as to them appears necessary.

A letter from Captain John Elmendorf, was read, requesting the sense of the Council upon the two following questions:

"Whether John McClean, the express rider, ought to be considered as an exempt, by the late resolutions?

"Whether Cornelius C. Elmendorph is considered as an exempt, as he is employed as commissary to the Fleet prison?"

The following answers was directed to be given, vizt:

"That John McClean (as a messenger of this Board) is exempted from all military duty.

"That Cornelius C. Elmendorf is not exempted from military duty."

A letter from Christopher Bancker, setting forth his reasons for resigning the office of commissary of prisoners of war in this State, and recommending his brother Abraham B. Bancker to be appointed in his stead; also a letter from Abraham B. Bancker soliciting the appointment, were read. Thereupon,

Resolved, That the said Abraham B. Bancker be, and he is hereby appointed commissary of prisoners of war in this State, *vice* Christopher Bancker who has resigned; and that he be allowed the sum of two hundred pounds per annum as a salary for the said office.

The petition of Peter Lownderf of the manor Livingston, confined on board the Fleet prison, and charged with inimical practices against the State, praying to be discharged from confinement, on his giving bond, with Johannes Moore as his surety for his good behaviour, and that he will appear whenever called for, was read and filed. And thereupon,

Resolved, That he be liberated on giving bond in the sum of five hundred pounds, with the surety and for the purposes contained in his petition.

A letter from Ananias Cooper, Esqr. at Rhinebeck, dated August the sixth, informing Council that he has apprehended and sent to Council, under guard, a certain Thomas Kelly, as a person suspected of being a spy going to General Burgoyne, was read.

The following letter from Jno. Sloss Hobart, Esqr. was received and read:

"*Springfield, August 2d*, 1777.

"SIR—Your favour of the 29th ult. came to hand last night, and am very sorry to learn that I am deprived of Mr. Morris's assistance in this business, though I trust there will be but little difficulty in settling such a plan as shall put our finances upon a respectable footing; for I find the gentlemen here are unanimously in sentiment with us, both with respect to the cause and remedy of the evils complained of. We met yesterday and entered upon the subject of money, and find the state of the bills of credit to be as per the enclosed list. It is proposed to take them immediately out of circulation by loan; at the same time to lay a heavy tax, and repeat it frequently in the course of the year; that so, if possible, we may raise sufficient for the support of the war. The digesting this business into form will probably be sufficient employment for to-day. The other matters will be attended with but little difficulty, so that I hope to be at Kingston by the last of next week.

"I shall press on the commissioners the necessity of reinforcing the northern army as soon as they meet this morning; but there is such a spirit of discontent raised, by the manner in which the fortifications were abandoned, that the people will not go to the field with their usual cheerfulness.

"I have the honour to be, with the greatest respect,
"Your most obdt. hble. servt.
"JNO. SLOSS HOBART.

"Honble. PIERRE VAN CORTLANDT."

Amount of bills of credit emitted by the New-England States and the State of New-York, circulating, and not upon interest, viz:

Massachuset's Bay,	£470,042
Connecticut,	210,000
Rhode Island,	119,000
New-York, Yk. mo. 250,000,	187,500
New-Hampshire,	73,568
	£1,060,110

A letter from Thomas Dearing and John Foster, Esqr. relative to the accounts of sundry persons who were employed in bringing off the inhabitants of Long Island, with their effects, was read.

Ordered, That the said letter be referred to the Auditor-General of accounts.

Mr. Gilbert Livingston informed the Council, that the reason of his non-attendance on Monday last, the time limited by his leave of absence, was want of health, with which reason the Council acquiesced.

The Secretary, according to order, delivered in the examination, on oath, of Thomas Kelly, which was read, and is in the words following, vizt:

"*Ulster county, ss.*—Thomas Kelly, being duly sworn on the Holy Evangelist, and examined, says, that he was born, (as he has heard and believes,) at Bethune, in Artois, in France, of parents then in Lord Dillon's regiment, in the Irish brigade, in the service of the crown of France; that he came to America near three years ago; that he then came from Londonderry, in Ireland, to Lancaster county, in Pennsylvania; that he was a servant for two years and two months in Lancaster county, and resided in that county until some time in last month; that he left Lancaster town on the twenty-sixth day of last month; that from Lancaster he was going to the State of Jersey to work; that he proceeded by the way of the Sweed's ford, Coryell's ferry and Morris Town; that in Jersey he was recommended by a person (whose name he did not know,) to proceed to Livingston's manor, and to apply to two brothers named Philips, at Livingston's furnace, who might recommend him to employment; that he is about thirty-seven years of age, and had not any other purpose or design in coming into the State of New-York, than to find steady employment and wages as a labourer; that he has not any other papers than four now produced, vizt: No. 1, a certificate of his, being sworn as a friend to the State of Pennsylvania. No. 2, a memorandum given him in Jersey, by the person who recommended him to the Philips's, to be delivered to them. No. 3, a memorandum given him by the same person, of the road he was to travel to Livingston's manor; and No. 4, a waste paper he got from the same person, and used in part as waste paper to light his, the examinant's, pipe.

"THOMAS KELLY.

"Sworn and examined the seventh day of August, 1777, by } "JOHN MCKESSON, *Secry.*"

Ordered, That the said Thomas Kelly be confined on board the Fleet prison, until further orders, as his conduct and reasons assigned for coming from Pennsylvania and going to the manor Livingston, wear a very suspicious aspect.

Adjourned until this afternoon.

DIE JOVIS, 6 *ho. P. M. August* 7, 1777.

The Council met by special summons.

PRESENT—Pierre Van Cortlandt, Esqr. *President.*

Mr. Yates, Major Tappen, Mr. Harper, Mr. Platt, Mr. Robert R. Livingston, Major Van Zandt, Mr. Gilbt. Livingston, Mr. Tredwell.

A letter from Major Dirck Jansen, of the manor of Livingston, was received and read, and is in the words following, vizt:

"*Manor Livingston, 7th Augt.* 1777.

"GENTLEMEN—As our regiment is ordered to march immediately to Saraghtoga, by the request and orders of Brigadier-Genl. Abraham Ten Broeck, we propose to proceed on the march by to-morrow, at ten o'clock, but am sorry to acquaint you that there is still a great many disaffected persons among us, although discharged lately by the act of grace, by taking the oath of allegiance to the State, &c. of whom there are some refuse to march. I imagine, and have reason to suspect, they may, in my absence, take the advantage and destroy my buildings; and the more, as I have in store 30 hhds. of sugar and 30 hhds. of molasses, for the United States, and expect a number of teams this day; likewise with a large quantity of salt for this State; all which, in my opinion, lays at a great risk, if I proceed without leaving any guard.

"I thought it my duty to acquaint the Honourable the Council with the premises, so as that if any accident should happen in my absence, that the blame would not be laid to my neglect. I beg your honours will be pleased to inform me by this express, Doct. Thompson, how to act in the premises.

"As I am much hurried, must refer you, gentlemen, to Doct. Thompson, the bearer, for further particulars. With great respect and esteem,

"I am, gentlemen, your honours'
"Most obedt. and very humble servt.
"DIRCK JANSEN.

"The Honourable the Council of Safety, Esopus."

Resolved, That the commissioners for detecting conspiracies, &c. be and they are hereby directed to remove from Poukeepsie into the neighbourhood of Major Dirck Jansen, in the manor Livingston, and that they take their company of guards with them.

Ordered, That Colonel Lasher, or his deputy, deliver to the order of the said commissioners, six hundred musket cartridges of different sizes, filled with powder and ball.

A draft of a letter to Major Jansen, in answer to his, was read and approved of, and is as follows, vizt:

"SIR—We are informed by Doctor Thompson, to whom your letter refers us, that all the militia, from sixteen to sixty, are ordered to march; and as it is absolutely necessary that some persons should remain at home, you will be pleased to discharge such as are above fifty, and march only the remainder, being particularly careful to take with you all the disaffected. A guard from Dutchess county will be sent to protect the stores, and keep the tories in awe.

"We enclose you a resolution of Council, with respect to exempts, which you will carry into execution; and let those that remain be assessed in proportion to their property, for the time that the militia will remain out, and retain the money to pay to such as may be drafted, in case a draft should be made.

"I am, with respect, sir,
"Your very humble servant.

"P. S. The commissioners for detecting conspiracies, with their company of rangers, will remove to-morrow to your neighbourhood; the chairman is now present, and will, by express, in the morning, order up the guards."

Ordered, That a copy thereof be signed and transmitted.

Ordered, That a copy of Major Jansen's letter, with the answer thereto, together with the other proceedings thereon, be transmitted to His Excellency the Governor, and that His Excellency be requested to justify the measure taken by Council in the premises.

A letter from Major-General Putnam, dated the fifth instant, relative to the business of the commissioners of sequestration in Westchester county, was read, and follows in the words to wit:

"*Peekskill, August* 15, 1777.

"SIR—I am exceeding sorry to trouble you again upon a question which you have so lately and clearly answered; but I find that the practice of the commissioners is different from your explanation of the resolves of Convention. I am informed that they have taken from the families of many of those disaffected persons who are gone to the enemy,

all the grain and the grass, where there was plenty of both, and large families of small children to be subsisted. I think such things are counter to the spirit of your resolves relative to them, and I must confess I cannot see the propriety of starving the innocent families of those, who, lost to every sentiment of virtue and duty to their country and families, have left them in unhappy circumstances. I know that your Honourable Convention mean no such thing. I wish something might be done effectually to prevent the continual applications of those families to me for relief, that they may not be left to starve, who have their whole grain and grass sold from them in gross.

"Mr. Canady, the bearer of this, has lived in Capt. Corney's house since I have been here; has took care to preserve the grain; I hired the soldiers to reap it. I have observed nothing that had the appearance of unfriendliness to the country in him; however, I know not his character. This paragraph relating to him is on his particular request, as Col. Drake has sold the whole of the grain to the deputy quarter-master-general.

"ISRAEL PUTNAM."

Ordered, That the same be committed to Mr. Platt and Mr. Tredwell.

Adjourned until to-morrow morning 10 o'clock.

DIE VENERIS, 10 HO. A. M.

August 8, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Mr. Platt, Mr. Harper, Mr. R. R. Livingston, Mr. G. Livingston, Major Tappen, Major Van Zandt, Colonel De Witt, Mr. Yates, Mr. Tredwell, Genl. Scott.

The petition of Jan Freer, a disaffected person confined in the jail of Kingston, setting forth that his father lies dangerously ill, and therefore prays that he may be permitted to visit him, on his giving bond for his appearance when required, was read and filed.

Resolved, That the said Jan Freer be discharged, on his giving his bond with security in four hundred pounds for his future good behaviour, and to surrender himself and appear when he shall be thereunto required by this Council or the executive power of this State.

Mr. Platt, from the committee to whom was referred the letter from General Putnam, relative to the conduct of the commissioners for sequestration in Westchester county, reported a draft of a letter to the said commissioners, which was read and approved of, and is as follows, vizt:

"GENTLEMEN—We are sorry to hear that many of the women and children of tories gone to the enemy, are in a suffering condition. It was not the sense of Convention to deprive such families of the necessaries of life.

"We hope you have not mistaken the resolutions empowering you to sell the estates of such persons as were gone to, or joined the enemy. Several complaints have been made to us, that many families have been stripped of almost every thing, even of a little pasture and hay for a cow, and in some instances, not left a cow itself, by which means they are reduced to almost a starving condition. The Council however flatter themselves that you have done your duty well, yet they have their doubts whether you have not in some instances rather drawn the cord too strait; the wish of Council is, that you might rather err on the other hand, and recommend that if there should be some instances where you have misled in judgment, that you make some little provision by way of supplies, either by giving them a cow, some pasture and hay and other necessaries, as their circumstances may require. The Council further direct that you deliver the negro man left by Peter Corney to Dennis Kennedy, and if you have not already rented out the farm and houses of said Corney, that you rent it to the said Kennedy.

"We are, gentlemen,

"Your most obt. servt.

"To the Commissioners for Sequestration,
Westchester county."

Ordered, That a copy be signed, and enclosed in a letter to General Putnam, for his perusal.

A letter from Captain Samuel Pain, of Major Wheelock's corps, dated the seventh, was read.

Ordered, That the President issue a pardon to Lodowick Seely and Johannes Keyser, and that they be discharged from confinement, and permitted to enlist in the Continental service.

The petition of Bernheart Albertee, of the east camp, in the manor Livingston, was read. And thereupon,

Resolved, That Bernhart Albertee be directed to repair to Albany, and apply to the Quarter-Master and Commissary-General, in the northern department, for two hundred hides, to be charged to the account of this State, and that the said Bernhart Albertee, cause the said hides to be tanned and dressed into leather, he paying half the expenses that may accrue on the transportation exclusive of his own particular charges, and deliver one-half of the said hides tanned and curried, to the order of the Legislature of this State; and that so many of the said hides only as are unfit for sole leather, be curried.

Resolved, That the Quarter-Master and Commissary-General in the northern department, be requested to deliver two hundred hides to Bernhart Albertee, on account of this State, and do assist him in transporting the same to Albany, and to charge this State with the amount of such hides, at the now current price, at the place where they are delivered.

A draft of a letter to the Commissary and Quarter-Master-General, on the subject of the said hides, was read and approved, and is in the words following, to wit:

"GENTLEMEN—The inhabitants of this State being greatly distressed for want of leather, considerable purchases have been made from their small stock, for the use of the army. The Council wish to have it in their power to purchase some of the hides of such cattle as are killed for the use of the northern army, and have, therefore, passed the enclosed resolutions, and hope for your assistance in carrying them into execution. You will let the Council know the price at which the hides are sold, that they may give the Continent credit therefor. Or if ready money is absolutely necessary, you will be pleased to draw on General Schuyler, who has a considerable sum in hand, belonging to this State, and will, we dare say, answer your drafts immediately.

"I am, gentlemen,

"Your most obedient humble servant.

"To the Commissary and Quarter-Master General
of the Northern Department."

Ordered, That a copy be signed by the President, and transmitted.

On the application of the warden of the Fleet prison,

Ordered, That Mr. Charles Giles, late victualler of the Fleet prison, do without delay, furnish Captain Benson, the warden, with a particular account of the charges against each respective prisoner now confined on board the said prison, for the subsistence supplied to them at the expense of this State.

This Council having been informed that attempts have been made to hire persons engaged in the public service, on board the State armed sloop, commanded by Captain Henry Benson, to serve in the detachments of militia in the stead of such persons as have been or shall be detached for the public service,

Resolved, therefore, That no person belonging to the militia of this State, shall be exempted from serving in such detachment or detachments of militia, by reason of

his having hired any person or persons so as aforesaid engaged, or hereafter to be engaged, on board of either of the armed vessels belonging to this State.

Resolved, That Mr. Yates, General Scott, and Mr. Robert R. Livingston be a committee to report ways and means to provide for the relief of the distressed inhabitants of the northern frontiers, who have, or may be driven from their habitations by the enemy.

Mr. Platt has leave of absence until next Monday.

Mr. Tappen has leave of absence until to-morrow morning.

Adjourned until to-morrow morning, ten o'clock.

DIE SABBATI, 10 HO. A. M.

August 9, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Mr. Yates, Mr. Van Zandt, Mr. Tredwell, Mr. R. R. Livingston, Mr. Harper, Mr. Gilbt. Livingston, Colo. De Witt, Genl. Scott.

A letter from His Excellency Genl. Washington, dated at Philadelphia, on the fourth instant, was read, and follows in these words, vizt:

"HEAD-QUARTERS, PHILADELPHIA,
"*Aug. 4th*, 1777.

"SIR—I have been duly honoured by your several favours of the 25th, 27th and 30th of July.

"The misfortune at Ticonderoga has produced a very disagreeable alteration in our affairs, and has thrown a gloom upon the favourable prospect which the campaign previous to that event afforded. But I am in great hopes the ill consequences of it will not continue to operate long, and that the jealousies and alarms which so sudden and unexpected an accident has occasioned in the minds of the people both of your State and to the eastward, will shortly subside, and give way to the more rational dictates of self preservation and regard to the common good. In fact the worst effect of that disaster is, that it has served to create those distrusts and apprehensions. For if the matter were coolly and dispassionately considered, there would be found nothing so formidable in Mr. Burgoyne, and the force under him, with all his successes, as to countenance the least languor or despondency; and experience would show, that a tolerable degree of vigour in the States more immediately interested, would be sufficient to check his career, and perhaps convert the advantages he has gained, into his ruin. But while people continue to view what has happened through the medium of supineness or fear, there is no saying to what length an enterprising genius may push his good fortune.

"I have the fullest confidence that no endeavours of the Council will be omitted, to bring your State (with the distresses of which I am sensibly affected) to every effort it is capable of making in its present mutilated condition; and they may rely upon it, no means in my power will be unemployed to coöperate with them in repelling the danger that threatens the State, and through it, the Continent.

"If I do not give as effectual aid as might be wished to the northern army, it is not from want of inclination, nor from being too little impressed with the importance of doing it; but because the State of affairs in this quarter will not possibly admit of it. It would be the height of impolicy to weaken ourselves too much here, in order to increase our strength there; and it must certainly be more difficult, as well as of greater moment, to control the main army of the enemy, than an inferior, and I may say, dependant one; for it is pretty obvious, if General Howe can be completely kept at bay, and prevented effecting any capital purpose, the successes of General Burgoyne, whatever they may be, must be partial and temporary.

"Nothing that I can do shall be wanting to rouse the eastern States and excite them to those exertions which the exigencies of our affairs so urgently demand. I lament that they have not yet done more; that so few of their militia have come into the field, and that those few have been so precipitate in returning home at this critical period. But I have, nevertheless, great reliance upon those States. I know they are capable of powerful efforts; and that their attachment to the cause, notwithstanding they may be a little tardy, will not allow them long to withhold their aid, at a time when their own safety, that of a sister State, and in a great measure the safety of the Continent, call for their greatest zeal and activity.

"I flatter myself the presence of General Arnold and General Lincoln in the northern department, will have a happy effect upon them. Those gentlemen possess much of their confidence, particularly the latter, than whom there is perhaps no man from the State of Massachusetts who enjoys more universal esteem and popularity. And in addition to that, they are both to be considered as very valuable officers.

"You intimate a wish that some assistance could be drawn from the southern States at this time; but while things remain in their present posture, and appearances, however illusory they may prove in the issue, afford the strongest reason to keep their force at home, to counteract the seeming intentions of General Howe. I could neither ask nor expect them to detach succour to the northern States, who are so well able to defend themselves against the force they now have to oppose.

"I hope an exaggerated idea of the enemy's numbers may have no injurious influence on our measures. There is no circumstance I am acquainted with, that induces me to believe General Burgoyne can have more than five or six thousand men, and if the force left in Canada is so considerable as the information you send me makes it, he can not have even so many. The representations of prisoners and deserters in this respect are of little validity: their knowledge is always very limited, and their intention, particularly the former, very often bad; beyond what regards their own companies, little or no attention is due to what they say. The number of regiments your informant mentions, corresponds with other accounts, but in the number of men in each company, he gives the establishment not, I am persuaded, the actual state. The enemy's army in Canada last campaign, though they suffered little by action, must have decreased materially by sickness and other casualties; and if the recruits to them, both from England and Germany, bore any proportion to those which have reinforced General Howe, the state of their regiments must be greatly inferior to what your information holds forth. Reasoning by analogy, as far as it will apply, I can not imagine the British regiments can exceed two hundred and fifty men each, fit for the field, or that the foreign troops can amount to many more than three thousand in all.

"The appointment of General Clinton to the government of your State is an event that in itself gives me great pleasure, and very much abates the regret I should otherwise feel for the loss of his services in the military line. That gentleman's character is such as will make him peculiarly useful at the head of your affairs, in a situation so alarming and interesting as that which you now experience. Agreeably to your desire my future application shall be made to him.

"I have the honour to be,
"With great respect, sir,
"Your most obedient servant,
"GO. WASHINGTON."

A draft of resolutions for relieving the poor on the western frontiers was read and agreed to, and follows in the words, vizt:

"WHEREAS the inhabitants of this State are loudly called upon, by every motive of justice and humanity, to

relieve the wants of such unhappy families as are driven from their habitations by the rage of a cruel and remorseless enemy and the licensed barbarity of their more than savage allies; as well as to share with their suffering brethren the uncommon plenty which Almighty God hath bountifully been pleased, at this season, to bestow upon us:

"*Resolved*, therefore, That it is recommended to the general committees of the counties of Albany and Tryon respectively, to use their utmost influence with those of the inhabitants who still possess their places of abode, to give all possible assistance to those who have been obliged to abandon their settlements, by not only enabling them to remove their families and effects, but in affording them all possible accommodation; and it is hereby most earnestly recommended to the said committees respectively, to prevent, as much as possible, any increase of the calamities of the sufferers, by impositions in the articles of house rent, firewood, provisions for themselves and cattle, and to put out and provide for, at the public charge of this State, all such poor persons and families, refugees as aforesaid, as are not able to defray their own expenses; for which this Council doth hereby render the State of New-York responsible.

Ordered, That two copies of the said resolutions be certified and delivered to Mr. Yates, to be forwarded to the committees of Albany and Tryon counties.

Mr. Isaac Norton applied to the Council with an order, which was read and filed, and is in the words following, vizt:

"*Cortlandt's manor, July 24th*, 1777.

"SIR—Be pleased to deliver unto Isaac Norton, my quarter-master, 300lb. of cartridges or powder; if powder, then 900lb. of ball, for my regiment, which is very unprovided, and 1,000 flints, and charge me for the same.

"From yours to serve,

"GILBT. DRAKE, *Lieut. Colo.*

"To Colo. LASHER, Storekeeper
for the State of New-York, at
Fishkill."

Thereupon, by desire of the members present, the President wrote to His Excellency the Governor on that subject, in the words following, vizt:

"SIR—The bearer, Isaac Norton, a quarter-master of Colo. Van Cortlandt's regiment of militia, in Westchester, has applied here for ammunition for the militia called to go into Continental service at Peekskill.

"The members of the Council present conceive that the militia when called into service, should be supplied with ammunition from the Continental magazines. But this consideration aside, the State has not ammunition sufficient to supply them. Your Excellency will, therefore, please to apply to General Putnam or to such other officers as you may think proper, to have them supplied with ammunition.

"I am, with respect,

"Your Excellency's most obedient humble servants.

"His Excellency Govr. CLINTON."

Ordered, That a copy thereof be signed by the President, and transmitted to His Excellency by the said Isaac Norton.

A petition of Silvester Salisbury, captain of a company of lighthorse, at Kingston, praying that this Council would be pleased to take into consideration the services of the said company, and that Council will be pleased to fix the pay for the said troops, was read and filed.

Ordered, That the said petition be referred to His Excellency the Governor, and that he be requested to endeavour to obtain information what is the Continental pay allowed to troopers; and that he be pleased to cause proper muster rolls of the amount of their pay to be properly authenticated that they may be paid.

A letter from Major Dirck Jansen, to Egbert Dumond, Esqr. dated the eighth instant soliciting the discharge of old Cooper from the Fleet prison, was read, and

Ordered To lie on the table.

A petition of Sarah Ward, praying leave to enlist or hire Jacob Scouten to serve in the militia in the stead of John Schoonmaker, her son-in-law, was read, and

Ordered To lie on the table.

A letter from the Delegates of this State at Congress, dated the twenty-ninth July last, was read and filed, and is in the words following, vizt:

"*Phila. 29th July*, 1777.

"HONOURABLE GENTLEMEN—We have the honour of your favour of the seventeenth instant, with the several enclosures, to which we shall pay all due attention.

"We had flattered ourselves that having happily accomplished the various matters given us in charge by our late Honourable Convention, our anxiety relating to our own internal affairs would have been for some time at least relieved.

"But the misfortunes in the northern department, and the fresh attack which is made upon General Schuyler, in consequence of them, renew our difficulties. The eastern States openly affirm that their troops have no confidence in General Schuyler, and assign this as the reason that they have not marched to his assistance. They, therefore, insist that he, as well as General St. Clair, shall be recalled, and General Gates again appointed to the command, or that Congress must take upon themselves all the consequences which may attend a refusal of this proposition. You see, gentlemen, the delicacy of our situation.

"If the eastern Delegates carry their point, the world is left to conclude, not only that General Schuyler is unworthy of the command, but that if the late change had not taken place, Ticonderoga, by the abilities of General Gates, might still have been preserved. In what light your Delegates, and the State by whose authority they interposed, will be represented, on this view of the case, is sufficiently obvious.

"But, supposing General Schuyler, after this warm application for his removal, should be continued in the command, the eastern States be backward in supplying their militia, and the calamities of the country in that quarter increase, would there, under these circumstances, be any end to clamour and reproach?

"It is not easy to determine the line of conduct we ought to pursue, especially as we can not be assisted by your advice, nor strengthened by your authority.

"We shall take the first opportunity to inform you of the event, and in the mean time, assure you that we are,

"Most respectfully, honour. gentlemen,

"Your most obedient humble servants,

"PHIL. LIVINGSTON,
"JAS. DUANE,
"WM. DUER.

"Honourable Council of Safety for
the State of New-York."

Ordered, That the said letter lie on the table for the perusal of the members.

Lieutenant Michael Connely, of Colo. Duboys's regiment, by an application in writing, informed the Council that there are a number of young men among the prisoners of the Fleet prison. That Egbert Dumond, Esqr. is willing (with permission of the Council,) to go on board with him and report the names, crimes and examinations of such of them as may be willing to enlist in the Continental service.

Ordered, That Egbert Dumond, Esqr. sheriff of Ulster county, and Lieutenant Connely, have leave to go on board of the Fleet prison for the purposes aforesaid, and report to this Council.

Ordered, That such members of this Council as remain in town after the adjournment, open all public letters which may come to their hands for this Council, and forward such

as are to be forwarded, keeping copies of any forwarded letters, if they shall think proper.

Adjourned until to-morrow morning, 10 ho.

DIE LUNÆ, 10 HO. A. M.

August 11, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

PRESENT—Pierre Van Cortlandt, Esqr. *President.*

Major Tappen, Mr. Tredwell, Major Van Zandt, Colo. De Witt, Mr. Yates, Mr. Gilbt. Livingston, Mr. Harper, Mr. Robt. R. Livingston.

An extract from the minutes of the commissioners for conspiracies, &c. was received, read and filed, and is in the words following, vizt:

"*State of New-York, ss.*—By the commissioners for conspiracies, &c.

"*Poughkeepsie, Augt. 9th,* 1777.

"*Resolved,* That Alexander Stewart, a prisoner of war confined in this place, be sent to Kingston, and there delivered over to Messrs. McKesson and Benson, commissaries of prisoners in the State.

"Extract from the minutes.

"HENRY PECKWELL, *Secy.*"

Ordered, That the said Alexander Stewart, be committed a prisoner to Kingston jail.

A letter from John Barclay, Esqr. chairman of the committee of Albany, dated the 9th instant, was read, and follows, vizt:

"*Albany Committee Chamber, 9th Augst.* 1777.

"HOND. SIR—We enclose you a copy of a letter just now received from the committee of Schenectady. You will perceive by its contents, that a reinforcement is called for in that quarter. It gives us pain to inform you that it is out of the power of this county to send them any.

"The depredations committed by the tories is of the worst of consequences, as it effectually prevents the militia from joining the army pursuant to General Ten Broeck's request; each part calls for more help to assist themselves. A Capt. Mann, of the militia of Schoharie, has collected a number of Indians and tories; declares himself a friend to King George, and threatens destruction to all who do not lay down their arms or take protection from our enemies. In order to support our friends in that quarter, a force should be sent to them. This is needless to attempt, as a reason is already assigned why no force can be had.

"In yours of the 27th ult. you desire that every nerve may be exerted; this has been done, though without the desired effect. Our army to the northward, we have already informed you, does not appear adequate to repel the force, supposed to be coming against them. Yesterday, one regiment passed through this town on their way home, their times being out. A bounty of twenty dollars per man was offered them to stay four months longer; it had no effect. The friends to their country, who have marched from this county, begin to grow uneasy, looking upon it, that their families ought to be removed to a place of greater safety; we fear they will not stay much longer. The country to the northward of this city are chiefly all drove in. Yesterday the Indians killed and scalped Major Dirck Van Veghten, of Schaghticoke, not far from his own house; it is reported two or three other inhabitants in that quarter shared the same fate. We have wrote to New-England, in the most pressing terms, for aid; none, as yet, appears. This, sir, is our present situation, which to us, does not appear very flattering. It is reported that our army will soon make head-quarters at Half Moon.

"I am your very humble servt.

"By order.

"JOHN BARCLAY, *Chairman.*

"To the Honble. the President of the Council of Safety for the State of New-York."

A letter from Adam Fonda, therein enclosed, was also read, and is in the words following, vizt:

"*Caughnawago, 18th August,* 1777.

"GENTLEMEN—We herein transmit you the best intelligence we could learn from sundry persons who have been in a battle which was fought on Wednesday, the 5th instant, beginning at 9 o'clock in the morning and continuing until 3 o'clock in the afternoon, at Oneida creek, half way between Oriska and Fort Schuyler, between a party of the Indians and our militia. The dead and wounded, as far as we can learn, is hereunto annexed. We have received a letter, wrote by order of General Herkermer, to send up all the militia and other forces we can to their immediate assistance, as the greatest part of those we have already sent are cut off. We therefore expect you will send up to us immediately all the forces you can, and you will please send the like directions to the committee in Albany, for like purpose, so that we may be enabled to stand our enemies. Fort Schuyler is still attacked and a smart fire kept up on both sides. God only knows the event. This goes to you by express, by which we will expect your answer; until then,

"We remain, gentlemen,

"Your humble servts.

"ADAM FONDA,

"*Committeeman in behalf of the whole.*

"To the Committee of Schenectady."

A list of the dead and wounded of our militia, as far as is come to our knowledge: Harmanus Van Slyck, major; John James Davis, capt.; Benjamin Davis, private; Henry Divendorph, capt.; John Eisenlord, major; John Blevin, major; Colo. Cox; seven men of the name of Snell; Major Paris and his son; and a great number more whose names we have not yet learned—*dead.*

General Herkiermer, Colo. Visscher, Jacob Gardineer, William Schaver, John Van Antwerp, John Bigbread—*wounded.*

Of the enemy: Stephen Watts, Sir John's brother-in-law; William Johnson, an Indian; with a great many others—*dead.*

The Council was informed that eight of the members met yesterday on receipt of the above letter, and that by their unanimous advice and directions, General Scott, who was one of them, enclosed copies of the said letters from John Barclay, Esqr. chairman, and from Adam Fonda to the Governor.

A letter from Captain Henry Benson, warden of the Fleet prison, dated this day, was read.

He thereby informs that the commissioners of conspiracies have sent to him, under a guard, eleven prisoners, whose names were enclosed; and that he is informed that Thomas Williamson, one of the said prisoners, has at different times broken his irons, and is a dangerous person.

Ordered, That George Houghston, John Casewell, Elisha Houg, Peleg Fissell, Thomas Muller, Jacob Straat, Junr. Peter De Pew 3rd, Cornelius Johannes Blaavelt, John Mosher, Joseph Holloway, be confined in the Fleet prison, and that Mr. Sheriff Dumond inquire whether the said Thomas Williamson is a tory or felon, and if the latter, what felony he committed, and where.

A letter from Jacobus Wynkoop to the Council of Safety, dated the sixth instant, was read and filed.

He thereby informs that on the eighteenth day of April, 1776, agreeably to an order of Committee of Safety for the State of New-York, he took the command of the vessels on Lake Champlain as commodore.

That by advice of the commander in the northern department, he requests the aid of this Council in the premises.

Ordered, That the said letter be referred to His Excellency the Governor.

Major Nicholson, on request, attending, was called before the Council and examined. He says he has a pass

from General Schuyler; that he was desired not to speak discouragingly on the subject of the northern army.

A letter from His Excellency Governor Clinton, dated the ninth instant, at Fort Montgomerie, was received, read, and is in the words following, vizt:

"*Fort Montgomery, August 9th*, 1777.

"GENTLEMEN—I am honoured with your favour of the 7th inst. enclosing copies of letters from General Schuyler to Congress and your Board.

"It would have been equally agreeable to me to have headed the militia, and marched to the reinforcement of the northern army as to have commanded those ordered this way. The reasons which influenced me to come to this and the adjacent posts with so large a proportion of the militia, I need not mention. They were contained in General Washington's letter, which I communicated to your House, and since repeated them in a letter addressed to General Schuyler. If that letter is received, General Schuyler must have observed that the greatest part of the militia of the State are ordered into actual service, either to reinforce his army or to occupy the posts assigned them by General Washington in this quarter, and indeed those originally designed for this station, were considered as being called out to replace an equal number of Continental troops intended for the reinforcement of the northern army. This being the case, I wish General Schuyler, in his letter to Congress, had made some discrimination between this State which has used every possible exertion in its present unhappy situation, and the States of Massachusetts Bay and Connecticut, that have not furnished a man of their militia for the reinforcement of the army in either department, nor have scarcely answered the letters to them, requesting the necessary aids, especially as I am persuaded it is far from Genl. Schuyler's intentions to represent this State in an unfavourable light.

"By Genl. Schuyler's letter of the 6th instant, a copy of which I enclose, he is of opinion that my attendance at Albany, with the Council of Safety, will tend to raise the desponding spirits of the people there. If your Honourable Board should agree in this sentiment, and conceive that I can with propriety, and consistent with the general safety of the State, leave the command of the militia in this quarter, I will on the least intimation, with the utmost cheerfulness, attend you to Albany, and take under my more immediate command such of the militia as I can collect in the northern parts of this State.

"By a letter from our Delegates in Continental Congress, dated the 5th instant, I am advised that Congress have ordered Genl. Gates to repair to the northward, and take the command of the army there; General Schuyler to join the army under General Washington.

"The only reason aasigned in Congress for recalling Genl. Schuyler, was his loss of the confidence of the eastern States. Now they are gratified, they have no excuse for not turning out and defending their country; and yet if fears became an officer, I should express some of their not behaving better than usual under any change of command.

"We have yet no accounts of the enemy since their vessels left the Capes of Delaware. It has been reported that they appeared there a second time, but nothing of this is mentioned in my letters.

"I have only to add that if the Council should be of opinion that it is expedient to order out the whole or any greater part of the regiments from the northern parts of Ulster and Dutchess than are already called out, for the reinforcement of the northern army, upon the least intimation to me thereof, I shall issue the necessary orders.

"I have the pleasure to inform the Council that the militia commanded to these posts have turned out with the greatest spirit and alacrity, leaving scarcely a man behind them, although many of their harvests are still in the field.

"I have the honour to be, gentlemen,

"Your most obedient servant,

"GEO. CLINTON.

"The Honourable the Council of Safety."

A letter from General Schuyler, dated at Stillwater, the 6th instant, therein enclosed, was also read, and is in the words following, vizt:

"*Stillwater, August 6th*, 1777.

"DEAR SIR—General Ten Broeck has ordered out the whole of the militia; but I fear very few will march, and that most of them will behave as the Schohary and Schenectady militia have done. How that is, you will see by the enclosed, which are copies of letters I have this moment received.

"The people are desponding. They want to have their spirits roused. Nothing short of your coming up to Albany, with the Senate and House of Representatives, will do it; or if they are not yet formed, with the Council of Safety.

"We expect the enemy will move soon; and as our strength is daily decreasing, we shall again be obliged to decamp and retreat before them.

"If Burgoyne gets to Albany, our State is gone in all its extent; for the people who would not turn out to prevent the enemy from penetrating, will not be able to do it when they are got in.

"I am, dear sir, very sincerely,

"Your Excellency's most obedient servant,

"PH. SCHUYLER.

"Excellency, Govr. CLINTON."

Ordered, That the said letters be committed to Messrs. Robert R. Livingston, Mr. Yates and Mr. Tredwell.

Adjourned until this afternoon 4 o'clock.

DIE LUNÆ, 4 *ho. P. M. August* 11, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Mr. Yates, Mr. R. R. Livingston, Mr. Van Zandt, Mr. Harper, Mr. Gilbt. Livingston, Major Tappen, Mr. Tredwell, Colo De Witt.

The petition of Christian Kroat of Livingston's manor, in the county of Albany, dated this day, was read. He therein sets forth that his eldest son is in the Continental service; that about a week ago his youngest son a lad under sixteen years of age, on his way to a mill, was seized upon by a recruiting party, threatened with instant death; and upon his positive refusal to enlist, was bound hand and foot, thrown into a carriage and dragged to Fort Montgomerie.

Ordered, That the said petition be referred to His Excellency the Governor, and that he be requested to cause a proper inquiry to be made at Fort Montgomerie, that justice may be done.

A petition of John Clint lately convicted and found guilty by a court martial at Albany, and recommended by the said court martial for a pardon, was read and ordered to lie on the table.

A petition of Peter Butler and eight others on behalf of Christopher Groat praying for his discharge was read, and ordered to lie on the table.

A petition of William Wallace, offering to furnish a soldier in the Continental service, if he may be discharged, was read and ordered to lie on the table until the Secretary can inquire and report his case.

A memorial of Cornelius C. Elmendorph praying to have an exemption from all drafts in the militia, or to be discharged from the employment of commissary of the Fleet prison, was read.

Ordered, That Cornelius C. Elmendorph be informed that the Council wish he may continue in the office of commissary; but that the Council can not, with justice to individuals in public service, give him an exemption from military duty.

A petition of Archibald Wilson, a prisoner in Kingston jail, praying for leave to enlist in the Continental service was read. And

Ordered, That the prayer thereof be granted; but that his enlisting does not excuse any other person from military duty.

Benjamin Bartholomew from Schoharie, attending at the door, was admitted and heard. He informs in substance that a certain man at Schoharie, was collecting a party in favour of the enemy, had dispirited the inhabitants; that the few resolutely well affected were escaping from thence privately. The said Benjamin Bartholomew withdrew.

Thereupon a draft of a letter to His Excellency the Governor, on the subject, was read and approved, and is in the words following, vizt:

"Sir—The Council have received advice that one Captain Man is collecting a force in Schoharie, and has prevailed upon the inhabitants through fear, to take part with him, and even to take up arms against us. As this must expose the frontiers of Ulster and Albany counties, and the flame may possibly extend further, if not instantly checked.

"They would suggest to your Excellency the propriety of sending a party under the command of an active and intelligent officer, by the way of Woodstock or Catskill, who may fall upon the party, arouse the spirits of our friends, and give the Indians such an impression of our activity, as will render them cautious of opposing us. Perhaps about two hundred men might be spared for this purpose from the garrison in the Highlands, and if necessary they might again be reinstated by other militia. The Council submit this plan to your Excellency, and if it should be approved, doubt not but that it will be carried instantly into execution, since secrecy and expedition will ensure its success.

"I am, sir, your Excellency's

"Most obedient humble servt.

"His Excel. Govr. Clinton."

Ordered, That a copy thereof be engrossed, and signed by the President, and transmitted by John Frear, as express.

Adjourned till to-morrow morning 10 o'clock.

DIE MARTIS, 10 ho. a. m.

August 12, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

Present—Pierre Van Cortlandt, Esqr. *President*.

Mr. Yates, Mr. Platt, Mr. Gilbt. Livingston, Major Van Zandt, Major Tappen, Mr. Harper, Mr. Tredwell, Mr. R. R. Livingston.

Ordered, That the sheriff of Ulster county cause John Frear (lately permitted to go home from the Fleet prison, during the pleasure of this Council,) to be again taken, and confined on board of the said Fleet prison. And,

Resolved and Ordered, That Mr. Platt, Major Van Zandt and Mr. Tredwell be a committee to form such additional directions as may be necessary for the government of the Fleet prison.

A letter from His Excellency Governor Clinton, dated the eleventh instant, and directed to Genl. Scott, (in answer to a letter wrote to him by Genl. Scott, at the request of seven other members, on Sunday last, was read.

A draft of a letter to His Excellency the Governor, in answer to his of the ninth instant, was read and approved of, and is in the words following, vizt:

"Sir—The Council were honoured with your Excellency's favour of the ninth instant, and are extremely sorry to find by the letter enclosed, the melancholy situation of the northern army, and the probability of their relinquishing still more of the country to the enemy; and this too when the efforts of our State must necessarily be weakened by an attention to the passes in the Highlands, and the security of Hudson's river.

"The Council believe with Genl. Schuyler, that your Excellency's presence would serve to animate the northern militia, but know not how far your quitting the important post you now occupy, would be consistent with its security, of which they conceive that you, sir, are the only proper judge.

"As your Excellency has fuller information than this Council can receive, they doubt not but that you will take such measures as you conceive best calculated to promote the general interest, in which, as far as their concurrence is necessary, they will cheerfully coöperate.

"It is with pleasure the Council learn from your Excellency, that the militia called in to the posts in the Highlands, have shown so much readiness and alacrity. They are extremely sorry to inform your Excellency that the officers have been negligent of their duty, in the upper part of Dutchess county, and that no drafts have as yet been sent from that quarter, notwithstanding the pressing necessity that there is for the immediate march of the militia to the northward; and as the Council are informed, some regiments have not yet even proceeded to draft their men.

"I am, sir, your Excellency's

"Most obdt. humbl. servt.

"His Excellency Govr. Clinton."

Ordered, That a copy thereof be engrossed, and signed by the President, and transmitted.

Mr. Tappen informed the Council of Safety that he had this morning traced a report, that the tories and Indians were to make a descent on, and destroy, this town of Kingston on next Friday night.

Thereupon, the draft of the following letter to Colo. Pawling, stating the whole matter, was read and approved of, and is in the words following, to wit:

"Sir—The Council were this morning informed that a report prevailed here that the tories and Indians were to make a descent on this town on Friday night next, when they were to burn and destroy it. Upon inquiry, the author of this report was discovered to be a daughter of Cornelius Carner, who says that she heard it from her mother.

"The Council do not put much confidence in this report; however, think it proper to apprise you of it; and as the author of the report referred to resides in your neighbourhood, the Council trust you will have such inquiries made as you shall think proper; send out scouts, post men and take such measures as you are enabled to do, by directions from His Excellency the Governor, as will render that scheme abortive.

"I am, with respect, sir,

"Your very humble servant.

"To Colo. Levi Pawling."

Ordered, That a copy thereof be engrossed, and signed by the President, and transmitted.

Resolved, That Captain Elias Hasbrouck be directed to proceed to Canaan, in Connecticut, and there take charge of twelve hundred bushels of salt, purchased by Colo. Lott for the use of this State; and that the said Elias Hasbrouck cause the said salt to be transported to Captain Radclift's Landing, on Hudson's river. And Colo. Lott or any of his agents, are hereby directed to deliver twelve hundred bushels of salt to the said Elias Hasbrouck, taking his receipt for the same. And,

Ordered, That the Treasurer advance to Elias Hasbrouck three hundred and fifty pounds, for paying the expenses of transporting of salt from Canaan to Radley's Landing, on Hudson's river; the said Elias Hasbrouck to be accountable for the same.

Mr. Sheriff Dumond, in obedience to the order of yesterday, reported the examination of Thomas Williamson. Thereupon,

Ordered, That the said Thomas Williamson be confined (in irons if the sheriff shall think it necessary) in the jail at Kingston.

The Council are informed that John Burger is attending with John Houston, a prisoner, and formerly an officer in the American service, for the directions of the Council as to the said prisoner.

The Council were informed that the said John Houston had received of one of the field officers of Colonel Gansevoort's regiment, five hundred dollars for the recruiting service, for which he has not accounted; that he has been tried.

DIE MARTIS, 4 *ho. P. M. August* 12, 1777.

The Council met by the ringing of the bell and summons by the messenger.

PRESENT—Pierre Van Cortlandt, Esqr. *President.*

Mr. Yates, Mr. Platt, Mr. Gilbt. Livingston, Major Van Zandt, Mr. Tredwell, Major Tappen, Colo. De Witt, Mr. Robt. R. Livingston.

A memorandum of John Burger, Victor Bicker, Junr. and Cornelius Bicker, was read and filed, and is in the words following, vizt:

"*To the Honourable the Council of Safety for the State of New-York.*

"GENTLEMEN—We the subscribers, being well acquainted with the character and situation of Captain Houston, who has ever distinguished and behaved himself as a steady friend to America, could wish he might be indulged with his enlargement, by being admitted on parol to this town, for which we are willing to become his securities.

"JOHN BURGER,
"VICTOR BICKER, JUNR.
"CORNELIUS BICKER."

Ordered, That the Secretaries take a bond in the penalty of two hundred pounds, of the said John Housten and the persons above, offering themselves as his sureties, conditioned for the good behaviour of the said Housten, and for his personal appearance and answering to any suit that may be commenced or instituted against him for the public money delivered to him for the recruiting service.

A letter from the committee of Albany, dated the 11th inst. was read, and follows, vizt:

"ALBANY COMMITTEE CHAMBER,
"*11th Aug.* 1777.

"SIR—We wrote you a few days ago, giving you a state of affairs to the northward, as far as they came to our knowledge. We then informed you that the prospect was disagreeable; it appears every day more gloomy; our apprehensions are not so groundless as those at a distance suppose them to be. We are well assured, did our situation present itself in the same point of light to our neighbours as it does to us, some mode would be fallen on for our relief. Being informed that repeated applications were made to the New England States for aid, and seeing that no reinforcement came forward, thought it our indispensable duty to address the people at large; a copy of which we enclose you, together with an answer from one of their counties, by which we are informed that their militia are ordered to the southward. On the Governor and Council of Safety being repeatedly informed of our distressed situation, we flattered ourselves that some assistance would be sent from the lower counties of our State, but alas, all their forces are ordered to repel an intended insurrection, when a real one is entirely neglected.

"By the enclosed from the German Flats, and Mr. Helmer's account, you will be informed that the troops have done their duty, and that the militia have behaved very brave. General Herkemer merits the greatest praise: he, after having his thigh broken, sat on a log with a drawn sword, inspecting his men for several hours. He was repeatedly solicited by his friends to be carried from the field of action, which he absolutely refused. We can assure you at the same time, that our warmest advocates and bravest friends of Tryon county fell in that skirmish; they are dispirited and call for help: none can be sent from this quarter.

"The people from Schohary have informed us that they will be obliged to lay down their arms.

"The militia that could be collected in this county have been sent to the army: they have been long in service, and seeing no prospect of relief, intend soon to return and remove their families to a place of greater safety. We are informed that our army intends to retreat to Half Moon. Should they be obliged to take this step, the western communication will be opened to the enemy. The appearance of a few of the enemy's troops on the Mohawk river would immediately make the inhabitants lay down their arms. Our feeling for the brave men in that quarter is very great. The Oneida Indians are much distressed for us; they furnish us with several useful pieces of intelligence respecting our western affairs, and beg us to stand with firmness.

"Should Albany fall into the hands of the enemy, the savages will be obliged to take an active part against us. If two hundred can drive in all the inhabitants of a well settled country for upwards of fifty miles, which at present is the case, how must the country suffer when perhaps a thousand or more are necessitated to join against us? Gentlemen may probably think we are panic struck; that the fear of losing our property, is a cause of our drawing so melancholy a picture. We have, we suppose, the feelings of other men on like occasions; but the distress which must ensue, engrosses a great part of our attention. We are happy in having it in our power to declare with truth, that every thing that could be done by us, has been done, and that any calamities that befal our country, is owing to no omission or want of duty in us; and since no troops make their appearance from any quarter to our relief, we are apprehensive that this city will in a short time, be in the possession of the enemy.

"We are, sir, your most hum. servt.
"By order,
"JOHN BARCLAY, *Chairman.*

"To the President of the Council of Safety."

A copy of a letter from Peter J. Daggert, chairman of the committee of German Flatts, dated the 9th instant, directed to the committee of Albany, was read, and follows, vizt:

"GERMAN FLATTS COMMITTEE CHAMBER,
"*August 9th*, 1777.

"GENTLEMEN—Just arrived Capt. Demuth and John Adam Helmer, the bearers hereof, with an account that they arrived with some difficulty at Fort Schuyler, the sixth day of the month, being sent there by order of General Herkemer. Before he set out to the field of battle he requested some assistance from the fort, in order to make an effort to facilitate our march to the fort. Two hundred and six men were granted. They made a sally, encountered the enemy, killed many, destroyed the tents of the enemy, and came off victorious to the fort. The commander desired them to acquaint us, and his superiors, that he is wanting assistance, and thinks to stand out so long that timely assistance could come to his relief.

"Concerning the battle—on our side all accounts agreed that a great number of the enemy is killed: the flower of our militia, either killed or wounded, except 150, who stood the field and forced the enemy to retreat; the wounded were brought off by those brave men; the dead they left on the field, for want of a proper support. We will not take upon us to tell of the behaviour of the rear. So far, we know they took to flight the first firing.

"General Herkemer is wounded; Colo. Cox seemingly killed, and a great many officers are among the slain. We are surrounded by tories, a party of 100 of whom are now on their march through the woods. We refer you for further information to the bearer. Major Watts of the enemy

is killed; Joseph Brandt, William Johnson, several known tories, and a number of Indians.

"Gentlemen, we pray you will send us succour. By the death of most part of our committee members, the field officers and general being wounded, every thing is out of order, the people entirely dispirited; our county at Esopus unrepresented; that we can not hope to stand it any longer without your aid; we will not mention the shocking aspect our fields do show. Faithful to our country, we remain,

"Your sorrowful brethren,

"The few members of this committee.

"Attested.

"PETER J. DEGGART,
"*Chairman.*

"To the Chairman of the Committee
of Albany, and by them to Col. VAN SCHAICK."

The examination of Adam Helmer, taken before the committee of Albany, yesterday, was read, and is in the words following, vizt:

"Adam Helmer informed that he was sent to Fort Schuyler, by General Herkemer, with a letter to Colo. Gansevoort, acquainting him of his march to the relief of the garrison; that he arrived at the fort on Wednesday last at one o'clock; that at two, Colo. Willett turned out with two hundred and seven men, and attacked an encampment of the enemy about one mile from the fort, in order to facilitate General Herkemer's march to the fort: that the engagement lasted about an hour, and that the enemy were drove off with great loss; that the colonel then ordered the flanking parties to spread themselves farther out, in order to discover whether there was any enemy near them; upon their report, that they discovered none, he ordered his men to take as much of the baggage as they could and destroy the rest, which they effectually did, each one carrying with him as much as they could; that in their way to the fort, just above the landing (where the old fort used to stand) a party of two hundred regular troops appeared, preparing to give them battle; that upon our troops discovering them, Captain Savage of the artillery pointed his field piece upon them, and saluted them with grape shot; this, together with a smart discharge of small arms, and one of the cannon out of the fort, did great execution among them, and soon obliged them to scamper off; when our troops, with their plunder, marched to the fort, where they arrived about 4 o'clock, with the same number they left the garrison, not one man being killed or wounded; that they took one regular captain and four privates prisoners; that among the plunder they took was one scarlet coat trimmed with gold lace, three laced hats, a good deal of money, in specie and paper; that the enemy's force amounted to twelve hundred, consisting of regulars, tories and Indians, before the engagements of General Herkemer and Colonel Willett, but thinks they have lost a great many; that the cannon the enemy have with them are two six pounders, two threes, and four cohorns; that they are busy erecting two batteries, one to the northeast and the other to the northwest of the fort; that he heard the officers say that the plunder taken by our troops that day, at a reasonable computation, amounted at least to one thousand pounds; that he left the fort on Thursday night last; that next morning he often heard the report of cannon; that our troops also found in the enemy's encampment a number of letters (which had fallen into their hands) directed to officers in the fort, but not one had been opened.

"*Albany, 11th August,* 1777."

The copy of the address of the committee of Albany to the people of the eastern States, requesting their aid to the northern army, was received in the letter from that committee, and read.

The copy of an answer thereto from Linde Lord, chairman of the committee at Litchfield, assigning their reasons for not sending any of their militia to aid the said northern army, was also read.

A draft of a letter to His Excellency the Governor, was read and approved of, and is in the words following, to wit:

"SIR—By the enclosed letters your Excellency will learn the distressed situation of the northern parts of this State. Unless it is shortly supported, it must inevitably fall into the hands of the enemy. The well affected of Albany county are fully employed in suppressing the insurrections of the disaffected; so that little can be expected from them, unless the tories are overawed by the appearance of immediate force. No militia have come in from the eastward, nor have we yet learned that any are like to come. Colo. Wynkoop, who is just arrived from Albany, assures us that our whole force at Stillwater consists of only 4,000 effective men, and those much dispirited.

"The bravery of the militia of Tryon county, must soon be of little avail, since the enemy can reinforce their western army from Saratoga, while ours are left without the least hope of assistance.

"In this situation, sir, nothing but our own exertions and the Divine favour can extricate us; let us strain every nerve If our neighbours—if the grand army—if the whole continent, determine that our little mutilated State shall bear the weight of the American war, let us acquiesce in their determination, and let us brave the danger which they will not enable us to repel.

"You, sir, will judge of the necessity of collecting our whole force to a point in that quarter in which it shall appear to be most necessary. We would suggest to your Excellency the necessity of sending the enclosed letters to Head-Quarters, with as much of this as you think expedient, with all possible expedition.

"It would be very advantageous to have some southern troops acquainted with the Indian mode of fighting, sent to the northward, to rouse the spirits of our army there, who shudder at the very appearance of Indians, and hardly dare to step out of their camp.

"I am, sir, your Excellency's

"Most obdt. humble servt.

"His Excellency Govr. CLINTON."

Ordered, That a copy thereof be engrossed and transmitted; and a copy of the letter of the committee, a copy of the letter from Peter Daggert, and of the examination of Adam Helmer, be therein enclosed, and that the copy of the address of the committee of Albany to the people of the eastern States, and of the answer thereto which were received from Albany, be therewith transmitted to the Governor.

A draft of a letter to John Jay and Gouverneur Morris, Esqrs. and in their absence, to the Delegates of this State at Congress, was read and approved of, and is in the words following, to wit:

"GENTLEMEN—We are much surprised that we have not yet been favoured by a line from you. By an express that is just going to the Governor, and which we would not choose to delay, we would acquaint you that our northern army continues as weak as ever; that it has received no farther reinforcements from New-England than about 150 Continental troops, and no militia; that the tories join the enemy's northern and western army in great numbers; that we are retreating from post to post, and that a few days will, unless they are more effectually opposed, give the enemy possession of Albany, with which Tryon county must also fall; and the brave men who have already contended with the enemy there with great spirit, from despair of any further aid, must yield to them or fall into their hands, and the whole Six Nations be let loose on our and the neighbouring frontiers.

"It is a prevailing opinion at Head-Quarters, that the enemy to the northward are much weaker than they really are; nor do they make any allowance for the strength they are daily acquiring by an accession of the disaffected. We wish you to state this fact fully, and to urge the necessity

of sending immediate aid to the northward, or the poor remains of this State must inevitably fall into the hands of the enemy. The troops to the northward are so dispirited that they hardly dare look the enemy in the face. They are unused to Indians, and have the greatest dread of them. Two thousand of our militia are employed at the forts; five hundred are sent to reinforce the northern army; the greater part of those of Albany, are employed in suppressing insurrections of the disaffected.

"About seven hundred of the Tryon county militia have had a very severe battle with the enemy, in which they were successful, but lost above a hundred men killed, and most of the leading whigs in that county. On the side of the enemy a greater number have fallen; among them Capt. Watts, Joseph Brandt, William Johnson, &c. We mention this to enable you to affirm that we do not call for assistance without putting our own shoulders to the wheel.

"I am, gentlemen, with respect,
"Your most obt. hble. servt.

"To the Hon. JOHN JAY and GOUVR. MORRIS,
in their absence, to New-York Delegates at Congress.

Ordered, That a copy thereof be engrossed, and signed by the President, or by the Secretaries, by his order, and transmitted.

Adjourned until to-morrow, 10 ho. A. M.

DIE MERCURII, 10 HO. A. M.

August 13, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Mr. Yates, Mr. Harper, Mr. Platt, Mr. Van Zandt, Mr. Gilbt. Livingston, Mr. Tredwell, Genl. Scott, Colo. De Witt, Mr. Robt. R. Livingston, Major Tappen.

Captain Bogardus being called before the Council, says, that a servant of General De Fermoi, told him this morning, that he knew two men who could tell when Fort Ticonderoga was sold, and for what sum.

Ordered, That Mr. Harper examine the said servant, and report his examination.

Christopher Fiero, being called before the Council and examined, says, that one Du Bois, who left Albany last evening, informed him that a post or messenger from Fort Schuyler, arrived at Albany yesterday evening, and reported that they had been successful and had killed a great number of Indians and tories, and some regulars, or British troops, and beat them, with a greater slaughter of the enemy than any in this State during the contest; that between the second battle and the first, our troops there had made an intrenchment round the fort That the said post or messenger at Albany further reported, that every road from Schoharie is obstructed and filled up by the tories there; that Colonel John Harper had escaped from thence, and that Colonel Vrooman, with about twenty-five whigs, had fortified himself in a house there.

A petition of Joseph Pierson was read. He therein sets forth a person named Robinson, who says that he is a sergeant of Colonel Du Bois's regiment, has enlisted a bought servant who is one of his workmen; that he has detained the servant, and prays he may be discharged.

Ordered, That the said petition be referred to Mr. Gilbert Livingston and Mr. Yates.

A petition of John Freer, alleging that he has behaved well, and desiring to know why he has been again confined.

Ordered, That the said petition lay on the table.

A letter from His Excellency the Governor, dated the eleventh inst. was read, and follows in these words, to wit:

"*New-Windsor, 11th August*, 1777.

"SIR—I am this minute favoured with the Council's letter of the 8th instant, enclosing the papers respecting the militia under the command of Major Jansen. The measures taken by the Council in respect to that corps, appear to me perfectly right, and have my fullest approbation.

"I wrote this morning to Colo. Pawling, advising him of the conduct of Capt. Mann, of the Schoharie militia, mentioned in the letter of the committee of Albany, a copy of which you sent me. I am apprehensive, that unless he and his party are speedily routed they will become formidable and dangerous neighbours to our western frontiers. I therefore proposed to Colo. Pawling, in the letter I addressed to him this morning, the propriety of embodying a party of men out of his regiment under an active officer for this purpose, and directed him to call on your Honourable House for their advice and assistance on this occasion, which, should they agree with me in sentiment, they will please to afford him.

"It is clearly my opinion, that it is essential to the public safety to have this business executed with despatch and effectually. That fellow, without doubt, acts under the encouragement and by the advice of the enemy; and even though he should not attempt to commit hostilities on the inhabitants of the western frontiers, the very deterring of the militia from marching to the aid of the northern army, alone is a capital mischief; besides suffering such an atrocious and open offender to pass with impunity, would, in point of example, be extremely impolitic.

"I had not issued any orders to the militia of Cumberland, Charlotte and Gloucester counties, not knowing who commanded them; nor indeed was I anxious about it, as I did not expect much from them; but on considering matters, I think it prudent to issue my orders to those counties, not only to make returns of the present state of the militia thereof, but to furnish their quota of men to join our northern army, as I am apprehensive, should I neglect them on this occasion, when I am calling out a proportion of the militia from every other county in the State in our possession, it may tend to strengthen them in their late revolt and attempt to set up an independent State; and should they not comply with my orders in this critical hour, it will be a circumstance not much in their favour.

"I have, therefore, enclosed orders for that purpose, which I must beg you will please to order one of your Secretaries to direct and forward.

"I have no news worth communicating since I wrote you last.

"I am with due respect,
"Your most obdt. servt.
"GEO. CLINTON.

"It may be necessary to exercise a good deal of prudence with respect to the Indians who are with Capt. Man, the management of which I must submit to the Council."

A letter from John R. Livingston, dated yesterday at Claremont, to his brother, the Honbl. Robert R. Livingston, was read, and is in the words following, to wit:

"The manor militia has been twice assembled to endeavour to get them to go up to Stillwater; but it seems it is impossible to get any of them to go. They say that the oath which they have taken to the State is not any longer binding. Cooper is the chief man among them again, and I believe it would not be amiss to take him up and send him on board of the ship, as I believe a few examples would work a great alteration in them. I wish you would send a company to make the drafts, or indeed the whole militia turn out, and if any refused, to take them prisoners immediately. I will write to Smith to take up Cooper and send him to you, and several others who refuse to go up. These people want nothing but good officers to make them do their duty, I am convinced.

"I am, dr. Robt. yours,
"JOHN R. LIVINGSTON."

Thereupon the Council came to the following resolution, vizt:

WHEREAS many people have taken the benefit of the

late act of grace merely to avoid the punishment of their crimes, and instead of proving the sincerity of their repentance, take the first opportunity to show their enmity to the country:

Resolved, therefore, That every person who has heretofore taken the oath of allegiance to this State and the benefit of the act of grace, published the tenth day of May last, who shall hereafter be convicted of having done any act contrary to the tenor of such oath, shall be deemed guilty of felony without benefit of clergy.

Ordered, That two hundred copies thereof be immediately printed in handbills.

A draft of a letter to His Excellency the Governor, was read and approved, and is in the words following, to wit:

"SIR—We enclose your Excellency a copy of a letter from the manor of Livingston, by which it appears that the militia will not march to the northward.

"It is necessary that some effectual means be used to compel them to go. We could wish that only a part of them had been ordered out, as a great majority of the men are disaffected and disarmed, nor can they safely be trusted with arms; but how far it would be proper to make any alteration in the order, your Excellency will judge. We also enclose a resolution by which it will appear that we have done all in our power to strengthen the executive power.

"I have the honour to be,
"With great respect, sir,
"Your most obedt. humble servant.
"By order.

"His Excellency Govr. CLINTON."

Ordered, That a copy thereof be signed by the President and transmitted. Also, that the Secretary enclose a copy of the letter from John R. Livingston and a copy of the resolution passed by this Council this day, and ordered to be published.

Mr. Harper, according to order, reported the examination on oath of James Crawford, a soldier in Colonel Marshall's regiment and a servant to General De Fermoi, which was read and filed.

Adjourned until 3 ho. P. M.

DIE MERCURII, 3 *ho. P. M. Augt.* 13, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *President.*

Genl. Scott, Mr. Harper, Colo. De Witt, Mr. Platt, Major Tappen, Mr. Yates, Mr. R. R. Livingston, Mr. Gilbt. Livingston, Major Van Zandt, Mr. Tredwell.

An account of Sergeant John De Lamater for the expenses of conveying Jesse Noble and David Ivers to Connecticut, was presented for payment.

Ordered, That the said account be sent to the Auditor-General to be audited for payment, and that the same be charged to the State of Connecticut.

A letter from His Excellency the Governor, dated the twelfth instant, was read, and follows, in these words, to wit:

"*New-Windsor, 12th Augt.* 1777.

"DEAR SIR—On the receipt of a letter yesterday morning from General Scott, enclosing a copy of a letter from the committee of Albany, to your Honble. Board, containing the same intelligence respecting Capt. Man, mentioned in your letter of the 11th inst. just now delivered me, I immediately wrote to Colonel Pawling, on that subject, pointing out the propriety of destroying Man and his party by a sudden exertion with a detachment of the militia under an active officer, and desiring him if he thought it practicable, to set about it immediately; and in that case to call upon the Council for their advice and aid. This morning I addressed a letter to your Honourable Board on the same subject, by which you will observe my sentiments coincide exactly with the Council's on this occasion.

"I dare not however, at present, venture to take any of the Continental troops from the garrison in the Highlands for this business.

"The designs of the enemy under General Howe, are yet uncertain; the garrison not over strong; and should any unlucky accident happen in that quarter, in the absence of troops, which might be drawn from thence for this expedition, I would be greatly and perhaps deservedly censured. If militia are to be employed, they can be much easier and more expeditiously had in the neighbourhood of Kingston and Marbletown, than by marching them up from the fort.

"Major Pawling was charged with my letter to Council, and left my house this morning for Kingston. I mentioned this scheme to him, and he expressed a strong desire to command the party, to which I consented, provided a party proper for him to command should be ordered out on this occasion. I know him to be possessed of prudence as well as spirit.

"I am, with much esteem,
"Your most obdt. servt.
"GEO. CLINTON.

"To the Honble. PIERRE VAN CORTLANDT."

Thereupon a draft of a letter to Colonel Pawling, was read, and approved, and is in the words following, viz:

"SIR—We enclose you two letters received from the Governor, by which it appears that he is very anxious to have the party detached for Schoharie. We have received information that Colonel Vroman, with a party of whigs is besieged there by the tories.

"It is necessary that he should be relieved immediately. You will therefore be pleased to issue your orders this night for two hundred drafts to be made from your regiment; after which you will, agreeably to the Governor's directions, repair to this place, and confer with the Council about the most practicable means of executing your plan.

"We are extremely sorry that so much precious time has already been lost by the miscarriage of your letter.

"I am sir, your very humble servant.
"By order.

"To Colo. LEVI PAWLING."

Ordered, That a copy be engrossed, and signed by the President, and forwarded by a lighthorseman.

A petition of the privates of Captain Paine's company now present, was read and committed to Mr. Tredwell and Mr. Harper.

The Auditor-General laid before the Council an account of Victor Bickers, Junr. as a lieutenant of marines, and requested their directions on the premises.

Ordered, That the said account be referred to Colo. De Witt and Mr. Tappen.

On motion of Mr. Harper, seconded by Genl. Scott,

Resolved, That a committee be appointed to give such advice and assistance to Colo. Pawling, as he may request; and that they be empowered to furnish him with such necessaries out of the stores of this State as they shall think expedient, for the more effectual carrying on the secret expedition lately committed by His Excellency the Governor, to Colonel Pawling's care.

Resolved, That General Scott, Mr. Robert R. Livingston and Major Tappen be the committee.

A letter from John Barclay, Esqr. chairman of the committee of Albany, dated the tenth instant, was read.

A memorandum of Colo. Van Schaack, containing the names of some of those prisoners, was also read.

Thereupon,

Ordered, That the names of the said prisoners be added to the calendar, and that they be confined in the Fleet prison, except Corinth Brisbin, who is suspected of being a spy, and that the said Corinth Brisbin be confined in jail.

A letter from Colonel Van Schaack to the President, dated the tenth instant, was read and filed, and is in the words following, to wit:

"*Albany, August 10th*, 1777.

"SIR—Pursuant to an order of the Honourable Major-General Schuyler, I send under guard of a sergeant and

twelve men, seventeen Canadians, taken near Ticonderoga at the time when our army evacuated that post.

"Your most humble servant,
"G. V. SCHAICK.

"To the Presjdent of the Council of the State of New-York."

Thereupon,

Ordered, That the said Canadian prisoners be delivered to Abraham B. Bancker, the commissary for prisoners of war in this State, and that the said commissary have all the prisoners of war in this State removed from thence to Goshen, in Orange county.

A return of Colonel Morris Graham's regiment of militia in Dutchess county, was read and filed.

Ordered, That Colo. Lasher or his deputy, deliver to Colonel Graham or his order, one hundred small arms, with accoutrements, and that he take a receipt for the return of the same.

The committee on Captain Payn's letter and the petition of ten soldiers of his company, report the following resotions, to wit:

"*Resolved*, That Captain Payn and the soldiers under his command, be continued in the pay of this State.

"*Resolved*, That Captain Payn be directed to complete his compliment of men, and in the mean while, make out a muster roll of the men that are now here, and that they do duty with Captain Schoonmaker's company of guards at this place, until further orders.

"*Resolved*, That Colonel Lasher be directed to provide the men now here under Captain Payn's command with arms and accoutrements, and that they have the like subsistence as the men belonging to Captain Schoonmaker's company."

Adjourned until to-morrow morning 10 o'clock.

DIE JOVIS, 10 HO. A. M.

August 14, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Mr. Tredwell, Mr. Harper, Mr. Platt, Mr. Robt. R. Livingston, Genl. Scott, Major Tappen, Colo. De Witt, Major Van Zandt, Mr. Gilbt. Livingston.

Ordered, That the commissary of the clothing store of this State, furnish Captain Samuel Payne, of Major Wheelock's corps, with such clothing for the men under his command at this place, as are allowed to the Continental troops.

Ordered, That Colonel John Lasher furnish Captain Samuel Payne, of Major Wheelock's corps, with arms and accoutrements for the men under his command at this place, as also with twelve rounds of powder for each man.

Ordered, That the Treasurer of this State advance to Captain Samuel Payne, of Major Wheelock's corps, the sum of one hundred dollars, on account.

On the application of the commissary of prisoners,

Ordered, That the Treasurer of this State advance to Mr. Abraham B. Bancker, the sum of three hundred dollars, on account.

Ordered, That Captain Schoonmaker furnish Mr. Bancker, the commissary of prisoners, with a sergeant and eight men, to guard the prisoners from Kingston to Goshen, in Orange county.

A letter from the Honourable Artemas Ward, President of the Council of Massachusetts Bay, dated August the fourth, informing of the number of militia sent from that State to reinforce the northern army, was read, and is in the words following, to wit:

"STATE OF MASSACHUSETTS BAY,
"*Council Chamber, Augt. 4th*, 1777.

"SIR—Your favour of the 27th ulto. came to hand yesterday. The Council are extremely sorry to find that there is still so much occasion for further reinforcements to the northern army; and they are the more anxiously concerned, as great disgust against some of the officers commanding in that department, has taken possession of the minds of many who must be called upon for that service.

On the 24th ulto. we ordered one-sixth part of seven regiments, in the counties of Worcester and Middlesex, to reinforce Colo. Warner at Manchester; some of whom we expect are now on the ground, and the rest near it.

"The General Assembly of this State will meet to-morrow, and your request, with the extracts from Genl. Schuyler's letter, will be laid before them.

"In the name and by order of Council,
"I am, sir, yr. most hble. servt.
"ARTEMAS WARD, *President*.

"Honble. PIERRE VAN CORTLANDT."

Another letter, from the Honourable Meshech Weare, Chairman of the Committee of Safety of the State of New-Hampshire, dated at Exeter, August fifth, on the same subject, was read, and is in the words following, to wit:

"STATE OF NEW-HAMPSHIRE.
"In Committee of Safety,
"*Exeter, Augt. 5th*, 1777.

"SIR—I had the honour of receiving yours of the 27th ulto. this day, by express, and agree with you, that the loss of Ticonderoga, in the manner it was left, has occasioned great difficulty and perplexity in our affairs; it has occasioned the loss of all confidence, among the people in these parts, in the general officers of that department.

"About ten days past, orders went out for one-quarter part of the militia of twelve regiments in this State, (the whole consisting of 18 regiments only) under the command of Brigadier-General Stark, to march into your State and join Colo. Warner in protecting the people there, oppose the progress of the enemy and act as occasion may require.

"I was informed this day, by a letter from General Stark, that he had sent off from No. 4, 700 men to join Colo. Warner at Manchester, and that he should follow them the next day (which was last Sunday) with 300 more; and had ordered the remainder to follow him as fast as they came in to No. 4. His whole brigade will be together in a very few days, and will consist of at least 1,500. Half the remaining six regiments of militia are drafted, equipped and stand ready, at a minute's warning to march to any part of the seacoast of N. E. that may be attacked; and shall continue to exert all our strength in the common cause.

"I am, sir, with due respect,
"Your very humble servt.
"MESHECH WEARE, *Chairman*.

"Hon. PIERRE VAN CORTLANDT."

Ordered, That copies of the said letters be immediately sent to His Excellency the Governor.

Resolved, That General Scott and Mr. Robert R. Livingston be a committee to draft a letter to the Honourable the Congress, and represent to that Honourable Body a true state of the northern department.

Adjourned until to-morrow morning 10 o'clock.

DIE VENERIS, 10 HO. A. M.

August 15, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Mr. Robt. R. Livingston, Mr. Tredwell, Mr. Gilbt. Livingston, Mr. Platt, Genl. Scott, Colo. De Witt, Major Tappen, Major Van Zandt, Mr. Harper.

A letter from His Excellency Governor Clinton, dated at New-Windsor, the thirteenth instant, on the subject of our northern army; together with a copy of His Excel-

lency's letter to His Excellency Genl. Washington, on the same subject, that no reinforcements are coming from the Eastern States, were read, and are as follows, vizt:

"*New-Windsor, August 13th, 1777.*

"SIR—I am favoured with the letters of the Council of Safety, of yesterday's date, with the enclosures, and have agreeably to the request contained in them, sent Genl. Washington extracts of those letters, with copies of such of the other papers as were intended to be forwarded under cover of the letter addressed to him, of which I now transmit you a copy.

"I hourly expect accounts from Fort Montgomery, and an answer to my last letter to Genl. Washington, which, if I receive this evening, I shall set out some time to-morrow for Kingston; if not, the next day.

"Though I most anxiously wish it was in my power to reinforce our northern army, and give succour to the brave and much distressed inhabitants of Tryon county, yet, I cannot be induced to think that it would be prudent to draw the militia from so far down as this to the northward, until the designs of the enemy's southern army can be more fully ascertained, which from any accounts I have yet received are as likely to be against this quarter as any other; but as I shall shortly have an opportunity of personally conferring with the Council, and have their advice and opinion more fully upon the subject, such measures will be adopted, as may appear upon the whole to be most conducive to the safety of this unhappy State, and for effectually opposing the progress of the enemy.

"I am, sir, your most obed. servt.
"GEO. CLINTON.

"The Honourable the President of the
Council of Safety, State of New-York."

"*Stillwater, August 13th, 1777.*

"SIR—Last night I received a letter from Governor Trumbull, of the 9th instant, by which I am given to understand that we must not expect any aid from the State of Connecticut, in this quarter. Mr. President Sever, of the Massachusetts, in a letter of the 29th ult. which I received on the 11th instant, advises me that orders had been issued for the march of one-sixth part of six regiments in the county of Worcester, and one in the county of Middlesex. These, when they arrive, if ever they do, will probably increase our numbers by about six or seven hundred. Our whole Continental force of effectives, does not exceed three thousand four hundred rank and file; and we have about forty militia from this State, and not one from any other. With these troops we have to encounter an enemy greatly superior in force, and daily increasing. I am constrained again to repeat that unless some measures are taken to bring forth the militia of this county, it will be impossible to prevent the enemy from reaching Albany; and I do not think the militia will march unless some of the Council of Safety come up.

"Three regiments, in the whole about five hundred and fifty effectives, marched from here yesterday, to the relief of Fort Schuyler.

"Congress have ordered that an inquiry should be made into my conduct, and that I should repair to Head-Quarters. Disgraceful as the measure is to me at this critical conjuncture, it leaves me, however, the consolation that the public will by such an inquiry be authentically informed how unjustly my character has suffered.

"I am, sir, with great respect,
"Your most obd. hble. servt.
"PH. SCHUYLER.

"The Hon. PIERRE VAN CORTLANDT."

Mr. Robert R. Livingston, according to order, reported the draft of a letter to our Delegates in Congress, on the subject of the northern department, which was read and approved of, and is in the words following, to wit:

"GENTLEMEN—The Council of Safety thinking it of importance that you should have it in your power to satisfy such inquiries as the Congress may probably make about the state of our affairs, have directed me briefly to inform you of such facts as have come to their knowledge, relative both to the enemy's force and ours. As to the first, we cannot speak with certainty, notwithstanding the pains we have taken to inform ourselves, but are led to conjecture from the testimony of prisoners, which may at least be relied on, as far as it relates to these respective companies, and from a variety of concurring circumstances, that the whole number of regular troops which compose the enemy's northern army, is about ten thousand; that six thousand of these, and two hundred Indians, are with General Burgoyne; that about eight hundred, together with four hundred Canadians, tories and Indians, are gone to the westward, and are now besieging Fort Schuyler; which party we have reason to believe, have lately been reinforced by five hundred men from the main body, who are supposed to have marched from Saratoga about four days ago. The enemy since the evacuation of Ticonderoga, have been joined by a great number of tories, who have been encouraged by the timidity of our army to very daring acts; daily committing murders in the disguise of Indians, in the face of our camp. Our army has been more numerous than it now is; its number is daily diminishing.

"About two thousand of our militia went up, when our army retreated to Fort Edward; about twelve hundred came in from the eastern States and the Grants: as it was the height of harvest, and the militia were very uneasy at their stay, the General thought it most advisable to dismiss a part of them on condition that the remainder should continue three weeks, by which time they expected to be relieved either by Continental troops or more militia. One thousand of our militia remained till this time. We learn that most of them who are now come away, after having stayed out their time, now find it necessary, from the frequent retreats of our army, to remove their families. The Governor has ordered the whole militia of Albany to supply their place; but this order we fear will be ill obeyed, as the disaffected have gained the ascendency in many places, and not only refuse to go, but compel the whigs to side with them. He has, however, sent up from Dutchess and Ulster counties five hundred men, who are drafted to continue in service till the first day of November.

"He has also ordered two hundred men to Schoary, where the whigs are beseiged by tories and Indians. We have seven hundred militia out in Tryon county and about two thousand men in the forts and passes in the Highlands; seven hundred of these being drafted to continue in service till the first day of November, the rest being the whole militia of the counties of Orange, the lower part of Dutchess and Ulster.

"You, gentlemen, who know our weakness, the great drains we have had, the troops we are obliged to keep on posts to guard the disaffected prisoners in every quarter, the number that are pressed into service as wagoners, batteau men, &c. and that this whole force is drawn from four counties out of fourteen that we once possesssed, will think it much beyond our strength, but we are resolved if we do fall, to fall as becomes brave men.

"In this computation we count nothing from Albany, for the reasons before mentioned, though it is probable that some small force may be drawn from thence.

"General Schuyler informs by letter of the thirteenth instant, that our whole northern army does not exceed four thousand men, and these we fear more inactive and dispirited than can well be imagined.

"We enclose you our application to the eastern States, and their answer; from Connecticut we have received none.

"By the papers enclosed you will find that our troops and militia have behaved with becoming spirit in Tryon county; but as it is out of our power to support them, we fear that that county must fall into the hands of the enemy, in which case, by means of the Indians, who will then be wholly in their power, they may ravage all that part of this

State which lies to the westward of Hudson's river, as well as the frontiers of New-Jersey and Pennsylvania; and by moving their ships up the river, in a great measure destroy the communication between the eastern and western States; or at least, render very considerable escorts necessary. Should Albany fall into the hands of the enemy, and which is by no means improbable, that spirit of disaffection which we have so long contended with, will again break out, and the enemy not only be amply supplied, but considerably reinforced.

"We tell you that our army were, when we last heard from them, at Stillwater, and that they think of retreating to Half Moon. You will easily conceive the distress that the removal of the families from the fine country upon Hudson's river and the total loss of their property, must occasion, as well as the new burdens that will be cast upon this already overloaded State.

"But we do not choose to dwell on this melancholy subject, or yield to a spirit of despondency that may tend to weaken the efforts which we think it our duty to make, for the success of which we rely upon Divine Providence.

"If it is not inconsistent with the general interest, we would most earnestly wish for one or two regiments of riflemen, who would be very useful in our woody country, and whose very names would serve to intimidate the savages.

"Would circumstances admit of drawing our whole force to a point, and were the passes to the southward secured by a sufficient number of troops, exclusive of our militia, we should not have thought it necessary to call in any aid from the neighbouring States; but at present attacked on every side, we stand in need of more assistance than we have from present appearances reason to hope for.

"We are, gentlemen, with respect,

"Your most obt. hl. servt.

"To the Honble. the New-York
Delegates in Congress."

Ordered, That a copy thereof, together with copies of the papers therein referred to, be immediately transmitted.

Mr. Robert R. Livingston has leave of absence for four days, on the arrival of Mr. Jay or Mr. Morris.

Adjourned until this afternoon, 4 o'clock.

DIE VENERIS, 4 *ho. P. M. August* 15, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Mr. Yates, Mr. Platt, Mr. Tredwell, Mr. Gilbert Livingston, Genl. Scott, Colo. De Witt, Major Van Zandt, Major Tappen.

The Council having sat until evening, and no despatches arriving,

Adjourned until to-morrow morning, ten o'clock.

DIE SABBATI, 10 HO. A. M.

August 16, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Mr. Yates. Mr. Platt, Mr. Tredwell, Mr. Harper, Genl. Scott, Colo. De Witt, Major Van Zandt, Major Tappen, Mr. Robt. R. Livingston.

A letter signed by Phillip Conyne, chairman of the district of Cocksackie, and several other respectable friends to the American cause, soliciting the discharge of John Romer, who is confined on a charge of disaffection, was read and filed. And thereupon,

Resolved, That the said John Romer, (on taking the oath of allegiance to this State,) be liberated and permitted to return to his family.

Ordered, That the commissary of the Fleet prison furnish Captain Payn's men who have joined Captain Schoonmaker's company with rations, agreeable to the Continental regulations.

Ordered, That the commissary of the clothing store of this State do supply the commissary of the prisoners of war with seven shirts and seven pair of shoes, for the use of seven prisoners of war lately taken in the northern department and sent to this place.

Adjourned till Monday morning, 10 o'clock.

DIE LUNÆ, 10 HO. A. M.

August 18, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Mr. Harper, Mr. Cantine, Mr. Platt, Mr. Yates, Mr. Robt. R. Livingston, Major Tappen, Genl. Scott, Colo. De Witt, Mr. Tredwell, Major Van Zandt.

On reading the petition of John Cumming, confined on board the Fleet prison, praying to be permitted to reside at Captain Henry Sleight's, in Kingston, with his wife, who is come on a visit to him,

Resolved, That the warden of the said prison permit Mr. John Cumming to reside at the house of Captain Henry Sleight, in Kingston, three days, on Captain Sleight's becoming bound to return Mr. Cumming to the said prison in three days from the time of his leaving the same; and also that Mr. Cumming do not say or do any thing injurious to the American cause.

Mr. Sheriff Dumont produced to the Council a receipt for seventeen dollars, by him paid to William Blanchard, sergeant of a guard sent from Peeks Kill to Kingston, (by order of General Putnam,) with prisoners, to bear the expenses of the said guard on their return to Peek's Kill.

Ordered, That the Treasurer of this State repay Mr. Dumont the said seventeen dollars, and charge the same to the Continental account.

Ordered, That the Treasurer of this State advance to Cornelius C. Elmendorph, commissary of the Fleet prison, the sum of one hundred and fifty pounds.

A letter from His Excellency Govr. Trumbull, dated the fourth instant, in answer to the letter from this Council, of the 27th ultimo, relative to the militia of Connecticut, was read, and is in the words following, vizt:

"*Lebanon, 4th August*, 1777.

"SIR—I have to acknowledge the receipt of yours of the 27th ulto. enclosing extracts from Major-General Schuyler's letter to you.

"The motions of the enemy of late is truly alarming, and hath spread consternation through the land, and calls for the joint and spirited exertions of all to prevent the ruin of their country, and save from slavery unborn millions.

"By present appearances, it seems that they mean to strike some bold stroke, and bring matters to a speedy crisis. Howe's ships have put to sea; their destination not certainly known; but while they keep a superior fleet on the coast, it will be in their power to embarrass and perplex us much by removing from one place to another, and thereby evading our main body, while our seacoasts are continually exposed to their depredations.

"This State, for the security of their seacoasts and frontiers, have raised two battalions, and now on their stations. We have done every thing in our power to fill up our quota in the Continental army, which is not yet completed, notwithstanding are far from considering ourselves exempted from affording all assistance in our power to any of our sister States when invaded; for I view the American States, though divided into distinct jurisdictions, yet but one great family, and bound by the ties of interest and humanity to assist and protect each other.

"Have not, therefore, beheld the present distress of your State as an unconcerned spectator; but on the first notice thereof, gave the necessary orders for putting the whole militia of this State into the best posture of defence, and directed that one-fourth part be detached, equipped, and

ready to march on the shortest notice, for the relief of any place which may be attacked by the enemy, and immediately advised His Excellency General Washington thereof by an express, who left here the 26th ulto. and therein proposed to His Excellency's consideration to send Continental troops to the northward, as the most speedy and effectual relief of your people in that quarter, assuring him that if he approved of the measure, I would order the militia of this State, who I apprehended would turn out with spirit, to strengthen the posts at Peek's Kill, and for the the defence of the important passes at the Highlands. At present have received no answer. Since which, have received a requisition from Major-General Putnam for five hundred men, to be sent immediately to Peekskill, which have ordered accordingly.

"On the 30th last, received from General Schuyler a requisition for two thousand militia, to be sent to his assistance, and this day have a further requisition from General Putnam for three thousand of the militia of this State, to be held in readiness to march, at the shortest notice, to Peek's Kill, and to be held in service for a term not less than two months. The foregoing was intended to be sent per express, but through my hurry it lay by till August 6th. In the morning, I received by express from General Putnam, another letter, dated the 3d instant, enclosing a copy of a letter from General Washington to him, dated at Chester, 1st instant, informing that he had received intelligence that the enemy's fleet the day before, about eight of the clock, in the morning, sailed out of the Capes of Delaware, on an eastern course, with an intent, as he apprehended, to go up the North river, and directing General Putnam to make the speediest application to me to send to his assistance as many of the militia of this State as could be collected, to prevent General Howe getting possession of the Highlands. Agreeable thereto, General Putnam hath requested, in the most pressing terms, that the militia of this State might be sent to his immediate relief.

"In consequence of this intelligence, orders are given for three thousand of the militia, including five companies of Colo. Enos's battalion, under the command of Brigadier-General Ward, to march to Peekskill; which troops are now on their march, and hope they will arrive before the enemy can approach them, and sent an express to Governor Cook at Providence, with Generals Washington and Putnam's letters, with a request to him that copies thereof should be immediately forwarded to the President of the Council of Massachusetts, and by him to the State of New-Hampshire. By the pressing requests from General Putnam, and the dangerous situation he was in, and the particular orders from General Washington, I esteem it my duty to comply therewith, and that hath taken a great part of the militia of this State.

"I received a letter from General Schuyler of the 27th, mentioned above, which was directly answered, informing of my correspondence with General Washington, which rendered it improper for me to comply with his requisition. And although his situation gives me pain, could do no more than to write to the States of the Massachusetts and New-Hampshire, which I did immediately by express, pressing them to send forward their militia without loss of time, to assist in repelling Burgoyne's army, and hope they will view the matter of such importance as to exert themselves on the occasion; indeed their situation makes it more natural to send their militia that way. Am persuaded that General Burgoyne, flushed with his success, will do every thing in his power, not only to maintain his present acquisitions, but to penetrate into the country before the inhabitants are recovered from their surprise, and arm in their defence; am therefore clearly of opinion that it is of the last importance to put a stop to their career as soon as possible.

"The difficulties attending your militia in this time of distress, mentioned in yours, affords a gloomy prospect; that when our subtle and inveterate enemies are using every art of policy and force to enslave us, to find so great a part of your militia either in the power or interest of the enemy. Those that are friendly ought not to be intimidated thereby, but nobly turn out in their own and country's defence; which, if they do, it appears to me that, as General Schuyler hath been reinforced by Nixon and Glover's brigades, they will be able to prevent Burgoyne's further incursions.

"August 7th, received by Mr. Vandervoort yours, dated the 1st instant; the same will be laid before the General Assembly of this State, called to meet next Wednesday.

"We have endeavoured that your State, or any of the members of it residing here, should have no reason to complain of the want of a just, generous and humane treatment from the government and its inhabitants.

"I am with esteem and regard, sir,

"Your most obedient humble servant,

"JONTH. TRUMBULL.

"Honble. President VAN CORTLANDT."

Ordered, That the Secretary wait upon His Excellency the Governor with the said letter.

A letter from Johannes Van Duersen, chairman of the committee of Claverack, accompanying a certain John Snyder, a suspicious person, who is apprehended and sent under guard to Kingston by order of the said committee, was read and filed.

Ordered, That the said John Snyder be committed to the Fleet prison, until further orders.

Adjourned until this afternoon, 4 o'clock.

DIE LUNÆ, 4 *ho. P. M. August* 18, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Mr. Yates, Mr. Platt, Mr. Tredwell, Mr. Cantine, Mr. R. R. Livingston, Genl. Scott, Major Tappen, Major Van Zandt, Colo. De Witt.

The petition of John Strong, captain of one of the companies of rangers raised in the counties of Gloucester, Cumberland and Charlotte, was read and filed.

Ordered, That the same be committed to Mr. Yates and Mr. R. R. Livingston.

Adjourned until to-morrow 10 ho. A. M.

DIE MARTIS, 10 HO. A. M.

August 19, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

PRESETT—Pierre Van Cortlandt, Esqr. *President*.

Mr. Yates, Mr. Harper, Mr. R. R. Livingston, Mr. Gilbert Livingston, Mr. Platt, Mr. Van Zandt, Mr. Tredwell, Mr. Cantine, Genl. Scott.

A letter from John Barclay, Esqr. chairman of Albany committee, enclosing copy of a letter signed Jonas Fray, dated at Bennington, the sixteenth instant, giving an account of a battle between the New-Hampshire militia, under the command of Brigadier-General Stark, and the enemy, which proved very successful on the side of the American arms, was read, and are in the words following, vizt:

"STATE OF VERMONT, IN COUNCIL OF SAFETY,
"*Bennington, 16th August*, 1777, 6 *o'clock*.

"GENTLEMEN—Brigadier-General Stark, from the State of New-Hampshire, with his brigade, together with the militia and companies of rangers raised by this State, with part of Colo. Symonds' regiment of militia, are now in action with a number of the enemy's troops assembled near this place, which has been for some time very severe. We have now in possession (taken from them this day) four brass field pieces, ordinance stores, &c. and this minute 4 or 500 prisoners have arrived. We have taken the ground although fortified by entrenchments, &c. but after being drove about one mile, the enemy being reinforced, made a second stand, and still continue the action. The loss on each side is doubtless considerable, but the numbers not

ascertained. You are therefore in the most pressing terms requested by General Stark and this Council, to forward the whole of the militia under your several commands to this place without one minute's loss of time; they will proceed on horseback with all the ammunition that can be provided conveniently. On our present exertions depends the fate of thousands.

"I am, gent. your most obdt. hum. servt.
"JONAS FAY, *Vice-President.*

"To the gentlemen officers nearest this place, commanding regiments of militia in the several United States."

"The above is a true copy of the original letter certified by us.

"ROBERT HAWKINS,
"EBENEZER HUTCHINSON,
"*Selectmen.*"

"The above was forwarded by Esquire Douglass from Jerico to King's district, and from thence to Albany, per order of committee.

"ELIJAH BOSTWICK,
"JOHN GRAY,
"*Members.*"

DIE MARTIS, 4 *ho. P. M. August* 19, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *President.*

Mr. Harper, Mr. Yates, Mr. Cantine, Major Tappen, Mr. Tredwell, Colo. De Witt, Genl. Scott, Major Van Zandt, Mr. R. R. Livingston, Mr. Platt.

A letter from the commissioners for detecting and defeating all conspiracies, &c. dated at Red Hook, the eighteenth instant, informing that they think it necessary to remove to Claverack, and that they stand in need of one thousand musket cartridges, was read.

A draft of a letter to the commissioners for detecting conspiracies, &c. was read and approved, and is as follows, to wit:

"GENTLEMEN—We received yours of the 18th. We approve of your removal to Claverack, the necessity of which is very apparent; though as you observe, every call for the militia should regularly be through the Governor, yet in the present situation of our affairs, we are obliged to step out of the strict line that the constitution prescribes, and to trust for our justification to the necessity of the measure.

"You will therefore issue such orders to the militia as you think necessary, advertising us or the Governor thereof. We have passed an order for one thousand cartridges in favour of Mr. Heermanse, agreeably to your request.

"We are, gentlemen,
"Your most obedt. humb. servt.

"Messrs. BENSON, SMITH and CANTINE,
Commissrs."

Ordered, That a copy thereof be signed by the President, and transmitted.

Adjourned until to-morrow morning ten o'clock.

DIE MERCURII, 10 HO. A. M.
August 20, 1777.

The Council met pursuant to adjournment.

It being a day set apart by the Dutch congregation of this town for fasting and praying, and there being service in their church,

The Council adjourned until the afternoon 4 o'clock.

DIE MERCURII, 4 *ho. P. M. August* 20, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *President.*

Mr. Harper, Cantine, Mr. Platt, Mr. Tredwell, Mr. Yates, Major Tappen, Colo. De Witt, Genl. Scott, Major Van Zandt.

A letter from General Schuyler, dated at Van Schaick's island, the nineteenth, enclosing a copy of General Lincoln's letter to him, with the account of General Stark's battle with the enemy, was read, and are in the words following, to wit:

"*Van Schaick's island, Augt.* 19, 1777.

"SIR—I have the happiness to congratulate you on a signal victory gained by Genl. Starks, over a body of the enemy near Bennington, on the 16th instant; an account whereof is contained in the enclosed letter from General Lincoln.

"I hope that we shall soon have the satisfaction to learn that General Arnold has raised the siege of Fort Schuyler. I suppose he arrived last night at the German Flatts.

"I have the honour to be, sir,
"Your most obedient humble servt.
"PH. SCHUYLER.

"The Hon. PIERRE VAN CORTLANDT,
President of the Council of Safety of New-York.

"*Bennington, Augt.* 18, 1777.

"DEAR GENERAL—The late signal success of a body of about 2000 troops, mostly militia, under the command of Brigadier General Stark, in this part of the country, on the 16th instant, over a party of about 1500 of the enemy, who came out with a manifest design to possess themselves of this town, as will appear by the enclosed, is an event happy and important.

"Our troops behaved in a very brave and heroic manner. They pushed the enemy from one work to another, thrown up on advantageous ground, and from different posts with spirit and fortitude, until they gained a complete victory over them.

"The following is the best list I have been able to obtain of their prisoners; their killed and wounded, vizt: 1 lieut. colonel, 1 major, 5 capts. 12 lieuts. 4 ensigns, 2 cornets, 1 judge-advocate, 1 baron, 2 Canadian officers, 3 surgeons, 37 British soldiers, 398 Hessians, 38 Canadians and 151 tories taken.

"The number of wounded fallen into our hands, exclusive of the above, is about 80.

"The number of their slain has not yet been ascertained, as they fought on the retreat for several miles in a wood, but supposed to be about 200. Their artillery, which consisted of four brass field pieces, with a considerable quantity of baggage likewise fell into our hands.

"We have heard nothing of Burgoyne or his army for these two days past. The prisoners are sent into the State of Massachusetts Bay, except the tories. Shall wait your directions respecting them, as most of them belong to the State of New-York.

"We have now about 2000 at and near this place.

"I am, dear General, with regard and esteem,
"Your very humble servt.
"B. LINCOLN.

"*N. B.* We had about 20 or 30 killed in the action, and perhaps 50 wounded.

"Major-Genl. SCHUYLER."

A letter from John Barclay, Esqr. chairman of the committee of Albany, directed to Mr. Abraham Yates, informing him that a number of respectable inhabitants, and friends to the cause of America, and neighbours of Ephraim Bogardus, petitioned the said committee that the said Bogardus may be released from confinement, as nothing so criminal is alleged against him as to continue him in confinement: the said committee requested Mr. Yates to use his influence in procuring his discharge, under such restrictions as the Council shall think proper; was read and filed. Thereupon,

Resolved, That the said Ephraim Bogardus (confined on board the Fleet prison for inimical practices against the United States) be permitted to repair to the committee of Albany; and that on his giving to the said committee such security for his future good behaviour as they may think proper, he be discharged.

Resolved, That the sitting of the supreme court of judicature of this State, be and hereby is adjourned from the last Tuesday of August instant until the second Tuesday of September next; that all process be accordingly continued until that day; and that the test of all writs be such as if the said adjournment had not been made; of which all persons are required to take notice, and govern themselves accordingly.

Mr. Tredwell has leave of absence for ten days.

Mr. Jay has leave of absence for a week from next Saturday.

Messrs. Jay and Morris being returned from General Washington's Head-Quarters, reported verbally their conference with the General; and that they had presented a memorial to Congress on the subject of the northern [army,] a copy whereof was read.

DIE JOVIS, 10 HO. A. M.

August 21, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Mr. Cantine, Mr. Harper, Mr. Jay, Mr. Yates, Mr. Platt, Major Van Zandt, Major Tappen, Mr. Morris, Genl. Scott, Colo. De Witt.

Messrs. Jay and Morris produced an account of their actual expenses on their journey to Head-Quarters, by order of the Council of Safety of the thirtieth day of July last, and for horse hire, amounting in the whole to one hundred and thirty-nine and one-sixth dollars.

Ordered, That the Treasurer of this State pay unto Messrs. Jay and Morris, or either of them, the said sum of one hundred and thirty-nine dollars and one-sixth of a dollar, in full for their account.

Ordered, That the Treasurer of this State pay unto John McClean, or his order, the sum of forty-five pounds, in full for a horse purchased from him for the use of this State.

Ordered, That the said Treasurer of this State pay unto Mr. Jacobus Gaasbeek the sum of forty pounds, in full for a horse purchased from him for the use of this State.

Messrs. Yates and Morris produced their accounts of expenses on a journey to Head-Quarters in the northern department, (by order of this Council) amounting to fifty-six dollars.

Ordered, That the Treasurer pay unto Messrs Yates and Morris, or either of them, the sum of fifty-six dollars, in full for their said account.

John Coe, Esqr. late chairman of the committee of the county of Orange, attending, informed the Council that part of the blankets and stockings, which were purchased under the direction of the said committee, pursuant to the resolutions of the late Convention, of the twenty-first day of January last, were lost in transporting them to the clothing store at Fishkill; that the persons from whom they were purchased, think it extremely hard that the loss should fall on them, and therefore request the Council to take the same into consideration, and grant such relief as to them shall appear reasonable.

Ordered, That Mr. Jay, and Mr. Platt be a committee to examine and report the same.

A letter from Andrew Taylor, deputy quarter-master-general, dated at Newburgh the 19th instant, relative to the exemption of Leonard Smith, Lieut. in Colo. Pawling's regiment, and now in the employ of the said Taylor, was read and committed to a committee.

Adjourned until to-morrow, 10 o'clock A. M.

DIE VENERIS, 10 HO. A. M.

August 22, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Mr. Cantine, Mr. Harper, Mr. Yates, Mr. Jay, Mr. Morris, Mr. Robt. R. Livingston, Colo. De Witt, Major Van Zandt, Genl. Scott.

Resolved, That all the constables within this State do, without delay, appear before one of the judges of the inferior courts or the sheriff, in their respective counties, and take the oath of office.

Ordered, That the same be published, and that a certified copy be delivered to Mr. Sheriff Dumont.

Resolved, That the private seal of the chief justice be the seal of the supreme court, until such time as the judges of the said court shall cause a device to be engraved for that purpose, which they are hereby empowered and directed to do.

Ordered, That Mr. Morris, Mr. Harper and Major Van Zandt, be a committee to report a regulation for victualing the State prisoners on board the Fleet prison and in Kingston jail.

An affidavit of Samuel Fowler, taken before Samuel Edmonds, chairman of New-Marlborough precinct in Ulster county, relative to a mare claimed by Samuel Wiggings and taken from him by a certain John Snider, who was apprehended by order of the committee of Claverack as a suspicious person and sent to this Council, and who is now confined on board the Fleet prison, was read and filed. Thereupon,

Ordered, That Judge Wynkoop be requested to make an inquiry into this matter, and if it shall appear to him that the said mare is the property of the said Samuel Wiggins, that he direct her to be delivered to him, on his paying the expenses of keeping, &c.

The committee appointed to draft a letter in answer to the letter of Andrew Taylor, deputy quarter-master-general, of the nineteenth instant, reported the following which was read and appproved of, and is in the words following, vizt:

"SIR—Your favour of the nineteenth instant was received and laid before the Council. I am directed in answer thereto to inform you that as the resolution subjecting exempts to the payment of money for encouraging drafts from the militia, was passed, and the orders for drafting issued previous to the time when Mr. Leonard Smith entered into the Continental service as a ferryman. The Council are of opinion that he comes within that resolution, and is held to pay such sums as he may have been assessed for that draft.

"I am, sir,

"Your most obedient, humble servt.

"TO ANDREW TAYLOR, D. Q. M. G."

Ordered, That a copy thereof be signed by the President, and transmitted.

On reading the petition of John Smith, of Northeast precinct, Dutchess county, confined on board the Fleet prison for inimical practices,

Ordered, That the said John Smith, on taking the oath of allegiance, be discharged.

The committee to whom was referred the application of John Coe, Esqr. delivered in a state of facts which were sworn to by him. Thereupon,

Resolved, That the Secretary inform Judge Coe that by the resolutions passed by the late Convention for purchasing blankets and stockings, the several committees are to draw for the amount of the same and pay the collectors of such blankets and stockings.

Resolved, That the report of the committee upon the accounts delivered by Judge Coe, be filed with the Treasurer, to be delivered to the Attorney-General.

Resolved, That the Attorney-General be directed to prosecute a certain Captain Welsh, mentioned in the said report, or such other person as he shall think proper, for the amount of the blankets and stockings received by him and not delivered to the use of the State.

Adjourned until to-morrow 10 ho. A. M.

DIE SABBATI, 10 HO. A. M.

August 23, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Mr. Abraham Yates, Colo. De Witt, Mr. Harper, Major Van Zandt.

Philip Livingston, Esqr. came to visit the Committee.

The deposition of Jehu Brown and Caleb Trask, two persons who were prisoners with the enemy, and lately escaped from them near St. Coyck, were taken, read, and are in the words following, vizt:

"*Jehu Brown examined.*—Says that he did belong to Capt. Morgan's riflemen, under General Arnold, at Quebec, and was there taken prisoner, when Genl. Montgomery was killed; that he left Montreal on the 15th of June, and had been there three weeks; that he computed Genl. Burgoyne's strength that crossed the lakes at 7,000 men; that he heard them called 13 regiments, vizt: 7 British and six Hessian regiments; that he heard that two British regiments arrived since at Quebec; that he landed at Fort George; that more than one half of the army crossed Lake George; that above 300 prisoners are now at work at the carrying place from Ticonderoga to Lake George, bringing over provisions, ammunition, stores, &c.; that they proceeded from Lake George to Fort Edward; left very few men at Lake George. An advanced party of 500 Hessians, about 30 or 40 British, 200 Canadians, 150 Indians, and some tories, advanced to Fort Miller; from thence by Saraghtoga to Cambridge, to St. Coyck, and to about 5 miles distance from Bennington; that on Saturday, the 16th instant, at Wilcox's bridge over Walumscaack, was the engagement of the advanced party with the militia; that the whole of that advanced party was engaged; that a reinforcement, said to consist of 2,000, but he thinks they did not exceed 1,500, was sent forward to aid the advanced party; that the reinforcement was, on the same day, in the afternoon, attacked at St. Coyck; that he heard about 800 of the reinforcement got back to Saraghtoga; that he knows not what became of the others; that one Baum, (whom he supposes to be a colonel of dragoons,) commanded the advanced party; that he was informed part of the militia or rangers pursued them a great part of the way to Saraghtoga; that he left the party near St. Coyck; the Hessian troops had a breastwork of logs, &c. at Wilcox's bridge; that the Widow Whipple's house, about one-fourth of a mile from the bridge, was burned by order of Governor Skeene; that the flying army was at Saraghtoga, and the main army coming on; that 1,500 Canadian horses were brought through the woods from Canada, vizt: 900 in one parcel and 600 in another, and 700 carts were brought across the lakes in vessels; that two powder carts were with the advanced party and two with the reinforcement, and each two field pieces, which he supposed were taken; that there were not above seven or eight carts taken; that he heard Govr. Skeen say he had a letter from Genl. Howe, and that Genl. Howe would meet that army at Albany this week; that Gershom French came and joined the reinforcement with a party of tories; that they were informed of the American militia at Bennington, but that they would fly or run away; that Fester brought in a party of tories, consisting of about 82 men, and joined the advanced party; that Fester was killed; that Colo. Peters went from Fort Edward with the advanced party; that he thinks there could not have been above one or two companies left in Tyconderoga; that eight cannon were planted on a hill to the west of the French lines at Tyconderoga, from whence they supposed they could have commanded and taken Tyconderoga and Mount Independence; that the British army brought great quantities of provisions and stores from Canada, a great quantity of which was at Fort George when he left that, and the carts were employed from thence to Fort Edward; that he does not know the number of Canadians with Burgoyne's army; that some of them went by the way of Fort Ann; that the Indians, with the British army, he heard computed at 850, and Skeen said 700 of them were gone against Fort Stanwix, and that they were called Johnston's Indians; that Governor Skeen came to the advanced party to give out protections.

"JEHU BROWN."

"Caleb Trask says, he was taken at Halfway brook, about the last day of June or first of July, and was carried to Lake George; that he came with the baggage of the reinforcement, being obliged to do that duty; and that he escaped with Jehu Brown; that he heard Governor Skeen say that they intended to send an advanced party down Connecticut river to No. 4, and that route.

"CALEB TRASK."

Adjourned until Monday morning 10 o'clock.

DIE LUNÆ, 10 HO. A. M.

August 25, 1777.

The following members met, vizt:

Mr. Hobart, Mr. Yates, Major Tappen, Major Van Zandt, Mr. Robt. Harper.

At 12 o'clock the members present adjourned until ten o'clock to-morrow morning, as from the violence of the rain, the absent members can not be expected to attend this day.

DIE MARTIS, 10 HO. A. M.

August 26, 1777.

The following members met, vizt:

Pierre Van Cortlandt, Esqr. *President*.

Mr. Yates, Mr. Hobart, Mr. Van Zandt, Mr. Cantine, Major Tappen, Mr. Harper.

The members present adjourned until this afternoon 4 o'clock, as from the violence of the rain, the absent members can not be expected to attend this morning.

DIE MARTIS, 4 *ho. P. M. Augt.* 26, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Mr. Harper, Mr. Yates, Mr. Morris, Mr. Hobart, Colo. De Witt, Major Van Zandt, Major Tappen, Mr. Cantine.

A letter from His Excellency Governor Clinton, dated at Albany the twenty-second instant, was read, and is in the words following, vizt:

"*Albany, August* 22, 1777.

"SIR—I arrived here the 19th instant, and should have wrote you sooner, if I had not been informed that the committee of this county had transmitted you every intelligence worthy of attention.

"The battle of Bennington was much more decisive than the first accounts make it. The enemy came out 1,300 strong, and being quickly routed, by the warm and constant fire of our men, were reinforced by 1,500 more. The militia charged them with redoubled fury, and upon receiving the first or second fire, the enemy beat a parley.

This, our people, unfortunately, did not understand, but pressed upon them, and obliged them to fly, pursuing them, with a brisk fire, for many miles. Had it not been for this mistake, the whole (who certainly compose near one-half of their main army) must have infallibly fallen into our hands, and proved a decisive victory.

"The number taken was 669; of which about 100 were wounded, and 32 were commissioned officers. The killed are 222; and there is great reason to believe there are many more, as our people are continually picking them up, for the extent of five or six miles in the route they were pursued.

"The artillery and arms taken are as follows: 900 swords of the dragoons, upwards of 1,000 stand of arms; one 12, two 9 and one 4lb. brass field pieces.

"Our loss was between 20 and 30 killed, and not exceeding 50 wounded.

"I enclose you a copy of General Burgoyne's instructions to Lieut. Colo. Baum, who commanded the first party, and died of the wounds he received in the action; which you are at liberty to publish, if you think it will answer any valuable end.

"I think it is not probable, from those instructions, that General Howe means to carry his operations to the eastward, as Genl. Burgoyne wished to have the people made to believe that that was to be the case. To the southward or up Hudson's river, therefore, (and the latter I think most probable,) must be his object, if he has any.

"I have applied to Genl. Gates for the cannon brought down from Fort George (which are useless where they now are,) for our shipping and fortresses in the Highlands; he has promised to send them to me without delay, that I may dispose of them as I think proper. I hope therefore to have them down the river in a few days, where they will be much wanted.

"General Herkhimer is dead of his wounds; his leg was taken off, and he survived the operation but a few minutes.

"General Arnold with his party are at Fort Dayton; about 100 of the militia of Tryon county only are with him. I have issued my positive orders to the officers commanding the respective regiments there, to detach one-half to join Genl. Arnold's army. Colonels Van Cortlandt and Livingston's regiments marched this evening to his further reinforcement. The enemy in that quarter having acquired a considerable accession of numbers from tories and Indians, the above measures were rendered necessary. The garrison, however, by very late accounts, are high in spirits and well provided; and I have no doubt but in a few days we shall receive the most agreeable intelligence from that quarter.

"From the Oneidas and Tuscaroras, whose chiefs are now with General Arnold, we have the fullest assurance of assistance; but have nothing to expect from any other of the tribes of the Six Nations, until our success intimidates them into friendship. Since the affair at Bennington, not an Indian has been heard of to the northward, and the scalping business seems to have ceased.

"I can not learn that the main body of the enemy are far southward; nor, from the best accounts, are any of them on this side of Saraghtoga. Indeed, I do not apprehend any great danger from the future operations of Mr. Burgoyne; and I would fain hope, unless he evinces a greater share of prudence than he has hitherto discovered, we shall not only be able to prevent his further penetrating into the country, but soon oblige him to return with a weak and broken army.

"By a letter lately received from Genl. Washington, I have a right to expect here every minute, Morgan's corps of riflemen, who I think will be able to match the Indians and tories, and be of vast service to our army.

"Mr. Livingston and myself returned from camp this evening; we mean to return there again on Sunday, as General Gates has requested my attendance to meet Genl. Lincoln there on that day. Mr. Livingston begs his excuse in not writing to Council, as this letter contains every intelligence he could convey.

"Forty odd of the tories taken at Bennington, are in this place. I am much at a loss how to dispose of them. I think it not right to keep them here.

"I am, sir, your most obed. servt.

"GEO. CLINTON.

"PIERRE VAN CORTLANDT, Esqr."

Another letter from His Excellency of the 25th instant, was received, and is as follows:

"*Albany 25th Augt.* 1777.

"SIR—I have the pleasure of informing your Honourable Board, that on Friday last, in the afternoon, the enemy raised the seige of Fort Schuyler, and marched off towards Oswego with precipitation, taking with them, however, their artillery, stores, &c. Genl. Arnold was at Fort Dayton, where he had been some days waiting for a reinforcement, which he had asked from Genl. Gates, in consequence of accounts he had received making the enemy much superior in number than they were conceived to be when he marched for that quarter; which I suppose were artfully contrived to delay General Arnold's march, and thereby enable the enemy to make a safe retreat. This I conclude will now be effected.

"Genl. Arnold marched on Saturday from Fort Dayton, and expected to reach Fort Schuyler that night; but even then the enemy will be a day's march ahead of them.

"Colos. Van Cortlandt and Livingston's regiments, who were on their march to join Genl. Arnold, are now returning to their former station.

"Five deserters have lately came in to our army in this quarter, who agree in their accounts, that the army under Burgoyne is very sickly and discontented.

"Some deserters from the enemy have also came in to Fort Schuyler.

"I am, your most obedt. servt.

"GEO. CLINTON.

"The Honble. PIERRE VAN CORTLANDT,
Pres. Council of Safety."

A letter from the Honble. General Schuyler, dated the twenty-fifth instant, was read, and is in the words following, to wit:

"*Albany, August 25th*, 1777.

"SIR—I am this moment informed by Lieut. Clock, who is directly from the German Flatts, that the enemy have raised the seige of Fort Schuyler, without waiting the arrival of General Arnold, who received the account after he had been a few hours on his march from Fort Dayton.

"I very sincerely congratulate you on this important event, of which you will be pleased to advise Congress.

"I am, sir, your most obedt. humble servt.

"PH. SCHUYLER.

"Hon. PIERRE VAN CORTLANDT."

Ordered, That the President transmit a copy of His Excellency's last letter, and of General Schuyler's letter, to Congress by express.

A draft of a letter to the Honourable John Hancock, enclosing the said copies, was read and approved of, and is as follows, vizt:

"*Kingston, 26th Augt.* 1777.

"SIR—I have the pleasure of transmitting to you the copies of Genl. Schuyler's and Governor Clinton's letter, giving us the agreeable intelligence of the raising of the seige of Fort Schuyler. The gallantry of the commander and garrison of that post, and the distinguished bravery of Genl. Herkemer, and his militia, have already been productive of the most desirable consequences. The brave and more fortunate Genl. Stark, with his spirited countrymen, hath, as you have already been informed, given the enemy a signal coup near Bennington. The joint result of these providential instances of success, hath revived the drooping hopes of the despending, and given new vigour to the firm and determined. We have, therefore, the

pleasing expectation of compelling Genl. Burgoyne, in his turn, to retire.

"I have the honour to be, &c.

"Honble. JOHN HANCOCK."

Ordered, That the same be engrossed, and signed by the President, and transmitted.

Upon the representation of Mr. Morris, on behalf of Captain Montgomerie,

Ordered, That the Honourable Robert R. Livingston be directed to take the parol of the said Captain Montgomery, to remain a prisoner within a district, commencing on the northern extremity of the Widow Livingston's farm, at the manor of Livingston, and extending three miles along Hudson's river to the southern extremity of the Widow Montgomery's estate at Rhinebeck, and that he transmit the same to this Council.

A letter from Zephaniah Platt, Esqr. dated at Poughkeepsie the twenty-first instant; also a letter from Andrew Billings, of the twenty-fifth instant, relative to persons who went over to the enemy and are returned into Dutchess county, were read.

Ordered, That they be committed to Mr. Hobart.

A letter from Abraham B. Bancker, commissary of prisoners, was read.

Ordered, That the same be committed to Mr. Harper and Mr. Cantine.

A letter from Peter R. Livingston, relative to the salt purchased for the use of the State, was read.

Ordered, That the said letter be committed to Colonel De Witt and Mr. Yates.

A letter from Captain Benjamin Walker, informing Council that Mr. Cregier, late ensign in his company, and who is convicted by a court martial of having plundered the inhabitants of Westchester county, has received of him one hundred and eighty dollars for the purpose of recruiting, that only fifty-eight dollars are accounted for, was read.

Ordered, That the said letter, together with the other papers relative to Cregier's case be referred to the Attorney-General.

Ordered, That Thomas Kelly, who was apprehended at Rhinebeck as a suspicious person, and is confined on board the Fleet prison, be discharged without paying for his subsistence or other fees.

Adjourned until to-morrow, 10 o'clock.

DIE MERCURII, 10 HO. A. M.

August 27, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Mr. Cantine, Mr. Harper, Mr. Yates. Mr. Hobart, Colo. De Witt, Major Tappen, Major Van Zandt, Mr. Morris.

On motion,

Resolved, That Cadwallader Colden, Esquire, be liberated from the Fleet prison and permitted to reside in the neighbourhood of this place, under such restrictions as Colonel De Witt and Mr. Morris shall direct, and that they take Mr. Colden's oath for his faithful observance of such restrictions.

A letter from his Excellency Governor Clinton, dated at Albany the twenty-fifth instant, enclosing copies of a letter from Colo. Gansevoort to Genl. Arnold, and from Genl. Arnold to Major-General Gates were read, as follows, vizt:

"*Albany, 25th August*, 1777.

"SIR—Since I wrote you this morning, Genl. Gates transmitted me the enclosed copies of letters from Genl. Arnold and Colo. Gansevoort, containing a more particular account of our affairs to the westward than I was then possessed of.

"I have great reason to believe that Genl. Burgoyne will soon follow the example of St. Ledger, and my greatest fear is that he will be equally fortunate in getting off without a second drubbing, as the militia do not turn out with that alacrity which might be expected.

"A proper spirit on this occasion would enable us totally to destroy the enemy in this quarter, and secure peace and safety to this part of the country. The enemy are in our power, could the militia only be prevailed on to believe it.

"I am, in the utmost haste, your most obt. servt.

"GEO. CLINTON."

"Burgoyne is retired to the east side of the river; has Batten Kill in his front, and Hudson's river on his right; a very secure position indeed. He has also taken the prudent precaution of reinforcing the posts in his rear since the Bennington affair, with three regiments, from which it planly appears he has safety now more than conquest in view.

"PIERRE VAN CORTLANDT, Esq. President."

"*Aug. 22d.*

"DEAR SIR—This morning at 11 o'clock, I began a heavy cannonade upon our enemy's works, which were immediately returned by a number of shells and cannon. About 3 o'clock seven deserters came in, who informed me that Genl. St. Leger, with his army, was retreating with the utmost precipitation; soon after which I sent out a party of about sixty men to enter their camp, who soon returned and confirmed the above accounts.

"About seven o'clock this evening, Hans Jost Schuyler arrived here and informed me that Genl. Arnold, with 2000 men were on their march for this post, in consequence of which I send you this information.

"I am, &c.

"PETER GANSEVOORT."

"*Mohawk River, 10 miles above Fort Dayton,*
"*August* 23, 1777, 5 *o'clock, P. M.*

"DEAR GENERAL—I wrote you the 21st inst. from the German Flatts, that from the best intelligence I could procure of the enemy's strength, it was much superior to ours; at the same time enclosed you resolutions of the council of war, and requested you to send me a reinforcement of one thousand light troops, as the enemy had made their approaches within 200 yards of the fort. I was determined at all events to hazard a battle rather than suffer the garrison to fall a sacrifice.

"This morning I marched from the German Flatts for this place. The excessive bad roads and necessary precautions in marching through thick woods, retarded us so much that we have but this moment reached this place, where I met an express with the enclosed letter from Colo. Gansevoort, acquainting me the enemy had yesterday left Fort Schuyler, with great precipitation. I am at a loss to judge their real intentions, whether they have returned home or retired with a view of engaging us on the road. I am inclined to think the former from the account of the deserters, and from their leaving their tents and considerable baggage, which our people have secured. I shall immediately detach about 900 men, and make a forced march to the fort, in hopes of coming up with their rear, and securing their cannon and heavy baggage. My artillery and tents I shall leave here. The batteaux with provisions follow me. As soon as the security of the post will permit I shall return with as many men as can be spared. As I came down in batteaux, shall be able to make great dispatch. I have sent an order for the light troops, if you have sent any, to return to you immediately, and the militia to go home.

"I am, &c.

"B. ARNOLD.

"Honl. M. G. GATES."

Resolved, That the sheriff of Ulster be authorized and directed, (at the expense of this State,) to employ such persons, and take such measures for apprehending the disaffected persons in the neighbourhood of Kiskatamination, as he shall think proper.

Resolved, That Doctor Thomas Jones be requested to examine the prisoners on board the Fleet prison, and in the

jail of Kingston, and report their state of health to this Council.

Ordered, That the Treasurer of this State pay unto Comfort Sands, Esq. the sum of seventy-five pounds for his salary as Auditor-General of this State, from the twenty-fourth day of April last to the twenty-fourth day of July last.

Ordered, That Mr. John Henry, commissary of the clothing store, be directed to deliver to Mr. Abraham B. Bancker, commissary of prisoners, or his order, two coats, two pair of trousers and one pair of shoes, taking his receipt, and charging for the same the current price of the country.

The committee to whom was referred the resolutions for supplying the prisoners on board the Fleet prison, delivered in their report, which was read and approved, and is in the words following, to wit:

"That a committee, formerly appointed to regulate the Fleet prison and appoint proper officers for the same, did, among other things, appoint Cornelius C. Elmendorph to be commissary of the said Fleet prison, and did ordain that he should furnish to the victualler for the use of such of the prisoners as may not be able or willing to provide themselves, with three-quarters of a pound weight of beef, pork or mutton, and one pound of bread per day, with a reasonable allowance of salt, vinegar and fuel; and also, that he should be allowed eighteen pounds per month for his trouble.

"That it appears to your committee, not only that the quantity of provisions is too great, but also, that the mode of supply is very exceptionable and pernicious, tending to raise the price of all necessaries of life, and thereby greatly to distress the poor; your committee, therefore, propose the following resolutions:

"*Resolved*, That the prisoners on board the Fleet prison receive the daily ration of one-quarter of a pound of beef, pork or mutton, or one-half of a pound of fish, and one pound and a half of flour; and once in every ten days, half a pint of vinegar, one ounce of salt and two quarts of pease; and that they be supplied once in two days.

"*Resolved*, That Major Tappen and Mr. Harper be and they hereby are empowered and directed to form a contract with some proper person, upon the best terms they can, to furnish such supplies."

Colonel De Witt, from the committee to whom was referred the letter from Colo. Peter R. Livingston, relative to the salt by him purchased for the use of this State, reported as follows, to wit:

"Colo. Peter R. Livingston having represented to the Council of Safety, that the quantity of salt which he hath purchased for the use of the inhabitants of this State, can be most conveniently and with less expense transported to Major Jansen's and Mr. Philip Spencer's. Thereupon:

"*Ordered*, That Colonel Livingston do cause the salt by him purchased for the use of the inhabitants of this State, to be conveyed to Major Dirck Jansen's and Mr. Philip Spencer's; and that he inform this Council of the quantity he shall send to each place.

"*Resolved*, That Mr. Morris and Mr. Hobart be a committee with power to regulate the price, and give such directions for the distribution of the said salt as to them shall appear proper."

Mr. Hobart who was appointed to meet the committees of the States of New-Hampshire, Rhode-Island, Connecticut and Massachusetts Bay, to hold a conference on the state of the paper currency, &c. &c. informed the Council that he met the said committees, pursuant to his appointment, and was ready to report their proceedings.

The said proceedings being reported, and read by Mr. Hobart in his place, it was

Ordered, That the same be referred to His Excellency the Governor, and that His Excellency be requested to lay the same before the Legislature at their first meeting.

Adjourned until to-morrow, 10 ho. A. M.

DIE JOVIS, 10 HO A. M.

August 28, 1777.

For the want of a sufficient number of members, adjourned until four o'clock this afternoon.

DIE JOVIS, 4 *ho P. M. Augt.* 28, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Mr. Hobart, Mr. Cantine, Mr. Yates, Mr. Harper, Major Tappen, Major Van Zandt, Colo. De Witt, Mr. Morris.

The committee to whom were referred the letters from Zephaniah Platt, Esqr. and Mr. Andrew Billings, reported. And thereupon,

Resolved, That John Schenk, Peter Tappen, Andrew Billings and Paul Schenk, Esquires, or the major part of them, be, and they hereby are appointed assistants to the commissioners for detecting and defeating conspiracies, &c. with full authority to execute all the powers of the said commissioners during their absence from the county of Dutchess, and that they be allowed the sum of twelve shillings per day while actually employed in that business.

A draft of a letter to these gentlemen on the subject, was read and approved, and is in the words following, vizt:

"GENT.—The Council of Safety have appointed you assistants to the commissioners for detecting conspiracies, &c. and have not the least doubt but you will exert yourselves in detecting and defeating the pernicious designs of the disaffected. The Council are of opinion that those who desert from the enemy and surrender themselves, offering to take the oath of allegiance to the State, ought to be admitted to that privilege, and their persons protected.

"I am, gentn. your most obt. humble servt.

"To Messrs. T. SCHENK, TAPPEN,
BILLINGS and P. SCHENK."

Ordered, That the same be signed by the President, and transmitted.

A letter from the Hons. Jas. Duane and Wm. Duer, Delegates in Congress, was read, and is as follows:

"*Philad. 22d August*, 1777.

"HONOR. GENTLEMEN—Your despatches of the 15th instant we had the honour of receiving, with so minute an account of the situation of our distressed country, and your efforts for its preservation, as you have been pleased to furnish. We left nothing undone to procure the reinforcements which were in our opinion indispensably necessary for your safety. Van Cortlandt's and Livingston's battalions will be a seasonable relief, but Col. Morgan's corps of riflemen will, we flatter ourselves, be of decisive advantages.

"The battles in Tryon county and at Bennington, so favourable to our affairs at the most critical juncture, will undoubtedly raise the spirits of our fellow citizens; and as New-Jersey is called upon for 1,000 men to garrison forts in the Highlands, with an express design to give the militia of our State an opportunity of repairing to the northern frontier and reinforcing the army there. It is to be hoped General Burgoyne will meet with an effectual check, if not a total defeat.

"General Howe's fleet were seen the 14th instant plying off the Capes of Virginia; what are his real intentions still remains an uncertainty. South Carolina is the only object worth his pursuit; but against such an enterprise the season seems to be an insurmountable obstacle. Should this however be the case, the army must look to the northward, for vain will it be to attempt to follow General Howe through the distant and unhealthy climes of the southern States, from which he can vanish at pleasure.

"We have the honour to be, with the utmost respect, honor. gentlemen,

"Your most obedient and very hum. servants,
"JAS. DUANE,
"WM. DUER.

"*P. S.* Since writing what precedes, an express is arrived from Baltimore, giving us a certain account that the

enemy's fleet have entered Chesapeck's Bay, and yesterday morning were near its head; their army by this time is probably landed. General Washington, with the American troops, lies about 20 miles from this city, and we presume will immediately move to the southward and attack the enemy, to whom he is probably superior in numbers, independent of the militia.

"The Honl. Council of Safety State of New-York."

A letter from the committee of Albany, the instant, was received and read.

Ordered, That the same be committed to Mr. Yates and Mr. Cantine.

Adjourned until to-morrow 10 ho. A. M.

DIE VENERIS, 10 HO. A. M.

August 29, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Mr. Yates, Mr. Morris, Mr. Harper, Mr. Hobart, Major Van Zandt, Major Tappen, Colo. De Witt, Mr. Cantine.

Elisha Sly, one of the persons sent down from the northward, and confined on board the Fleet prison, on suspicion of having joined the enemy, was brought before the Council, and examined, from which, and the character given of him by Mr. Hansen, there is reason to believe him to be a good subject. Therefore,

Ordered, That he, on taking the oath of allegiance, be discharged. And

Ordered, That Martinus Cooper, of the manor Livingston, on taking the oath of allegiance, be also discharged.

A petition of several of the prisoners last brought and confined on board the Fleet prison, was read.

Ordered, That Mr. Yates and Mr. Van Zandt be a committee to repair to the Fleet prison, examine the prisoners, and report the same.

Major Benedict attending, laid before the Council the accounts of certain guards, who have been employed by order of the committee of the county of Westchester.

Ordered, That the same be committed to Mr. Hobart and Major Tappen.

The committee to whom was referred the memorial of William Harper and Frederick Fisher, on behalf of the inhabitants of Tryon county, delivered in their reports, which being read was agreed to, and is in the words following, to wit:

"Your committee to whom was referred the memorial of William Harper and Frederick Fisher, on behalf of themselves and the inhabitants of Tryon county, beg leave to report:

"That in the opinion of your committee, the said inhabitants are deeply alarmed by the apprehensions of an Indian war upon their frontiers; and although your committee cannot pretend to say what ground they may have for such apprehensions, yet they conceive that it is requisite for the honour, and consistent with the justice of the State, to continue to make every possible effort for the security and happiness of its subjects in that part of the country, for which purpose it will be necessary to have a number of men in arms upon the frontiers to watch the motions of the savages until peace is restored in that quarter. Your committee, therefore, beg leave to submit the following resolution:

"*Resolved*, That the letter from Peter Vroman, dated the 20th of August, 1777, the letter from John Harper, of the same date, and the memorial of William Harper and Frederick Fisher, be transmitted to His Excellency the Governor, and that he be requested to take the most effectual method to quiet and secure the inhabitants of the county of Tryon; and that it be suggested to his Excellency whether it would not be proper to send, under good officers, 150 of the militia of the said county, 150 of the militia of Albany county, 50 of the militia of Ulster county, and 50 of the militia of Dutchess county, to the western frontier of this State, and to request of the commander-in-chief of the northern department, 100 riflemen, who, together with the said detachments of militia, and the garrison of the fort in that quarter, may be employed in defending the said frontier, and such of the Indian nations as are or may be in alliance with us.

"All which, nevertheless, is submitted.

"ABM. YATES, Jr. *Chairman*.

"*Kingston, 29th Augt.* 1777."

Adjourned until to-morrow, 10 ho. A. M.

DIE SABBATI, 10 HO. A. M.

August 20, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Mr. Hobart, Mr. Harper, Mr. Yates, Mr. Morris, Genl. Scott, Major Tappen, Major Van Zandt, Mr. Morris, Colo. De Witt.

A letter from Colo. John Harper, dated Schoharie, the twenty-eighth instant, was received and read, and is in the words following, vizt:

"*Schoharie, August 28th*, 1777.

"GENTLEMEN—Since we put Capt. McDonald and his army to flight, I proceeded with some volunteers to Harpersfield, where we met many that had been forced by McDonald, and some of them much abused. Many others were in the woods, who were volunteers; and as we could not get hands on those that were active in the matter, I gave orders to all to make their appearance, when called on, at Schoharie, in order to give satisfaction to the authority for what they have done; and if they do not, that they are to be proclaimed traitors to the United States of America; which they readily agreed to, and further declare that they will use their best endeavours to bring in those that have been the cause of the present disturbance. I would, therefore, beg of the Honourable Council of Safety, that they would appoint proper persons to try those people, as there will be many that can witness to the proceedings of our enemy, and are not in ability to go abroad.

"From your most obedient, humble servant,

"JOHN HARPER, *Colo.*

"*P. S.* The people here are so confused that they do not know how to proceed. I therefore would beg the favour of your Honourable Body to appoint such men as are strangers in these parts.

"To the Honourable the Council of Safety, at Kingston."

Ordered, That the same be committed to Mr. Yates, Mr. Morris and Colonel De Witt.

Ordered, That Mr. Cantine be added to the committee on Major Wheelock's memorial.

The said committee withdrew, and after some time returned, and delivered in their report on the said memorial, which was read and approved of, and is in the words following, vizt:

"Your committee, to whom was referred the memorial of John Wheelock, Esqr. have taken the same into consideration, and beg leave to report, that it appears that the late Convention did resolve that the said Wheelock should receive a major's commission and be entitled to Continental pay and rations, provided that within nine weeks from the 8th day of April last he should have completed the raising of three companies in the service of this State to contain 150 men including non-commissioned officers; that the sum of 2,000 dollars were advanced to him to enable him to recruit the said companies.

"That by a resolve of this board on the 28th of May last, the time for completing said companies was prolonged to the 29th of July.

"That on the 17th of July this Board did resolve that the said Wheelock should march all the men by him enlisted directly to Kingston, provided that six of the twelve

officers nominated by him should voluntarily discharge themselves from the said corps; that upon their arrival, commissions should be delivered to the respective officers; provided that not less than 20 men should entitle to a captain's commission, nor less than 15 to a subaltern's; and that unless the above resolutions be complied with in 4 weeks from the said 17th of July, the said corps to be disbanded.

"That it appears that the aforesaid resolution of the 17th of July hath not been complied with, and therefore the said corps are disbanded, and all that remains is for the said Wheelock to settle his accounts."

On motion,

Resolved, That General Scott be appointed to confer with Major Wheelock on the several proposals contained in his memorial.

A petition of John Romer, of Cocksacky, who was ordered to be discharged and was continued in confinement by the sheriff, as having been accessary to the escape of some of the prisoners from on board the Fleet prison, was read.

Ordered, That the Secretary take the examination of the witnesses in this case, and if the charges appear to be well founded, that a warrant issue for his continuing in confinement.

Ordered, That the Treasurer of this State advance to Mr. Richard Ten Eyck, on account of Colonel Lasher, commissary of the military stores of this State, the sum of forty pounds.

Ordered, That the commissary of the clothing store of this State deliver to Mr. Morris such clothing as he may require, to clothe a deserter from the enemy, he paying for the same.

The committee, on the letter from the committee of Albany, delivered in their report: And thereupon,

Resolved, That the commissioners for sequestrating the effects of persons gone over to, or who are with the enemy, be directed immediately to seize the effects of all such of the inhabitants of the counties of Albany and Tryon, as are gone over unto and joined the enemy, and to dispose thereof, agreeably to the resolutions in that case made and provided.

Resolved, That the said commissioners be empowered to remove the wives and children of such disaffected persons aforesaid from their habitations, to such place or places as they shall conceive best for the security of the State.

Resolved, That the said commissioners (if General Gates shall think it advisable) be empowered to send all or any part of the said women and children to their said husbands.

A draft of a letter to General Gates on the subject of the said resolutions, was read and approved of, and is in the words following, to wit:

"SIR—You will perceive, by the enclosed resolutions, that this Council are desirous of securing the families and effects of those who, during the present invasion or that last fall, have gone over to the enemy. We have, therefore, ordered the commissioners to take your advice and directions upon that subject; but should you think it best to send all or any part of them to the enemy, you will please to give to the commissioners your assistance for that purpose.

"I am, with respect, sir,
"Your most obt. humble servt.

"The Honble. Major-Genl. GATES."

Ordered, That a copy (enclosing a copy of the resolutions) be signed by the President, and transmitted.

Ordered, That Colonel Lasher, or his deputy, deliver to Mathew Cantine, Esqr. or order, fourteen pounds of gunpowder, for the use of the mine working at Rochester, by order of the late Convention.

Adjourned until to-morrow morning, 10 ho. A. M.

DIE LUNÆ, 10 HO. A. M.

September 1, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Mr. Yates, Mr. Cantine, Mr. Hobart, Mr. R. R. Livingston, Mr. Morris, Genl. Scott, Colo. De Witt, Major Tappen, Major Van Zandt.

A letter from Colo. Abraham P. Lott, dated at Boston August 14th, 1777, was read, and is as follows:

"*Boston, Augt. 14th*, 1777.

"GENT.—I arrived here this morning from Plymouth; also the salt which I bought from Corn. Nelson; no teams to be had at present, as the farmers are getting in their hay. I am in hopes next week to get it forward to Springfield. I have been eastward as far as Cape Ann and Newbury-Port, where I found several parcels salt, but could purchase none except one parcel, which they ask 30*s*. per bushel, and forty miles farther to cart; judge best to leave it.

"This day I received a letter from Thomas Momford, Esqr. who informs me he had delivered the salt in his possession to Messrs. Watson and Spooner, merchants in Plymouth, which place I intend to set out for to-morrow. I have been here with the gentlemen who do the business for General Trumbull; they told me I could not expect to get that salt changed for any other, as they had been at great expense and trouble to get the salt sent in the country.

"If I get the salt, shall forward it to Springfield, as it will save, 18 or 20 miles nearer to Springfield to come to our State than to Hartford; hope you will approve of, as you ordered me to send it to Hartford.

"I have called on the board of war here several times for the 500 bushels salt, which was short of the 1,500 ordered by Council and Assembly; they told me they had none; this morning went to the Speaker of the House of Assembly and asked him if any dependence could be made of me having the 500 bushels salt; he told me he believed they could not spare it, as they fell short themselves, but would try what he could do. I told him I expected they would have made a present of the 500 bushels to the poor of our State. But a person gets very little by begging here; their whole scheme is to get money, and the spirit of liberty dies away.

"Great many long faces since the account of Tyconderoga, and most of them condemn General Schuyler, but can give no reason. Just now heard that the prize ship loaded with salt, which had been laying eastward this six weeks was arrived; am in hopes getting the quantity salt ordered. There will be by the latter end of next week about 150 casks salt at Old Canaan, at Capt. Lawrence's, which I have informed Mr. Benson of. If you think proper to order it to other place or places you will write to me at Springfield. Direct my letter to the care of Mrs. Thomas Wellenston, at Springfield, where I shall be obliged to be some time to forward that salt and get it in order.

"Gt. I remain your humb. servant,
"ABM. P. LOTT."

Ordered, That the said letter be committed to Mr. Hobart.

A letter from His Excellency Governor Trumbull, dated August the fourteenth, enclosing an account of Joshua Downer, for the maintenance and support of one Swords and one Dougall Campbell, disaffected persons sent from this State to Connecticut, was read.

Ordered, That the same be referred to the Auditor-General of accounts.

A letter from the commissioners of sequestration, in Westchester county, signed by Samuel Drake, assigning the reason for their conduct with respect to the property of Stephen De Lancy, was read and filed.

Resolved, That this Council approve of the conduct of the commissioners of sequestration, in Westchester county, with respect to the property of Stephen De Lancey, and that they be directed to proceed in the business.

On reading the petition of Barnardus Bratt, on behalf of his son John Bratt, who is confined on board the Fleet prison, charged with inimical practices against the United States,

Resolved, That the said John Bratt, on his father Barnardus Bratt's giving bond in the sum of one thousand pounds for his future good behaviour be discharged.

Adjourned until the afternoon 4 ho.

DIE LUNÆ, 4 *ho. P. M. September* 1, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esq. *President.*

Mr. Harper, Mr. Yates, Mr. Morris, Mr. R. R. Livingston, Mr. Hobart, Mr. Cantine, Genl. Scott, Major Tappen, Major Van Zandt.

The committee to whom the letter from Colonel John Harper of the twenty-eight of August last, was committed, delivered in their report, which being read, was approved, and is in the words following, vizt:

"Your committee to whom was referred the letter from John Harper, of Tryon county, of the 28th Augt. 1777, beg leave to report: That in the opinion of your committee it is not warrantable by the Constitution to institute a new court for the trial of offences committed in the said county; and further, that it would be improper to bring the prisoners in the said letter mentioned, to this place, but that as well for the sake of justice as to awe the disaffected in that part of the State, it will be proper that a court of oyer and terminer and general jail delivery should be held in the said county as speedily as possible; and further, your committee beg leave to submit the following draft of a letter to the said John Harper:

"SIR—Your favour of the 28th of August last, was received and communicated to the Council. They congratulate you on the successes of our arms in that quarter, which must be doubly grateful to the brave inhabitants of Tryon county, whose virtuous exertions have so greatly contributed to it.

"The trial and punishment of those inhuman wretches who have combined with a savage foe to imbrue their hands in the blood of the innocent demands a speedy attention. But while the Council agree with you in the impropriety of removing them to any distance from the witnesses of their guilt, they cannot consent, nor indeed are they empowered to institute any new court for the trial of such offences. These wicked parricides however detestable, are neverthelees by our free constitution entitled to the inestimable privilege of a trial by their peers. A court of oyer and terminer will be held in your county as soon as the present storm hath a little subsided. In the meantime the public officers of the county will exert themselves to detect, apprehend and secure the rebels.

"I have the honour to be, &c.

"All which nevertheless is submitted.

"*P. S.* You will be pleased to communicate this letter to the committee of Schohary, and to such other persons as may be concerned in it."

Resolved, That the commissary of the Fleet prison be served with a copy of the regulations of the twenty-seventh of August last, for victualing the prisoners on board the Fleet prison; and that he be directed to victual the said prisoners agreeably thereto.

Resolved, That the said commissary be directed to supply the State prisoners in Kingston jail with one pound and a half of bread per day, and that the jailer supply them with water.

Ordered, That the Treasurer of this State advance to Abraham Keater, sergeant of a detachment of Captain Salisbury's company of lighthorse in Ulster county, now in service by order of His Excellency Governor Clinton, the sum of one hundred dollars, on Continental account.

Adjourned until to-morrow morning 10 ho.

DIE MARTIS, 10 HO. A. M.

September 2, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

PRESENT—Pierre Van Cortlandt, Esqr. *President.*

Genl. Scott, Mr. Hobart, Major Van Zandt, Major Tappen, Mr. Jay, Mr. R. R. Livingston, Mr. Yates, Mr. Cantine, Colo. De Witt, Mr. Gilbt. Livingston, Mr. Harper, Mr. Morris.

A petition of Henry Lyon, late of New-York, at present of Reading township, in Hunterdon county, New-Jersey, setting forth that on the approach of the enemy's fleet in the harbour of New-York, he removed his effects into Dutchess county; that he removed with his family into New-Jersey, where he continued to reside; that the commissioners of sequestration in Dutchess county have disposed of his property on a groundless suspicion that he was with the enemy in New-York; and therefore prays that the Honourable Council will be pleased to order the amount of the sale of his said property to be returned to him, or such other relief as may be thought just and equitable; was read and filed.

A certificate, signed by James Cole, one of the justices of Hunterdon county, John Mihelm, member of Assembly for the said county, John Taylor, colo., Ebenezer Barry, captain, and Dennis Wikoff, certifying that the said Henry Lyon has resided amongst them since last Christmas, and has, to the best of their knowledge, always shown himself a friend to his country, and has served in the militia with his neighbours; and an account, certified by Henry Livingston, Junr. one of the commissioners of sequestration for Dutchess county, of the articles which were the property of the said Henry Lyon, and sold by the said commissioners, amounting to forty pounds seven shillings and four pence, were also read and filed.

The said petition and papers being taken into consideration,

Ordered, That the Treasurer of this State do pay to the said Henry Lyon the sum of forty pounds seven shillings and four pence, being the amount of the sales of his property, sold by the commissioners of sequestration in Dutchess county, and paid into the treasury.

Ordered, That the Treasurer of this State transmit to the commissioners for inquiring into and defeating all conspiracies, &c. the sum of two hundred pounds, to be by them disposed of in secret services, agreeably to such directions as shall be given them by the Honourable John Jay.

Mr. Hobart reported the draft of a letter to Colonel Abraham P. Lott, in answer to his received yesterday, which was read and approved of, and is in the words following, to wit:

"SIR—Your favour of the 14th ulto. has been laid before the Council. They approve of your sending the salt by the route of Springfield, and desire you will forward the whole of it with all possible despatch to Old Canaan, as it is exceedingly wanted. Should you have occasion to wait on the board of war or the Speaker of Assembly again, it will be advisable to say nothing more about their presenting any salt to the poor of this State. We meant not to beg, but to purchase from our neighbours. As the Legislature will probably meet in a day or two, when the powers of the Council of Safety will be at an end, it is requisite that you advise His Excellency the Governor of the arrival of the salt on the borders of the State.

"I am, sir,

"Your most obedient, humble servt.

"Colo. ABRAHAM P. LOTT."

Ordered, That a copy thereof be signed by the President, and transmitted.

On reading the petition of William Bedell, of Gloucester county, sent down and confined on board the Fleet prison on suspicion of having joined the enemy, and the examination of Captain William Gage and Lieutenant Peter Roberts, taken before Mr. Gilbert Livingston and Mr. Tredwell,

Resolved, That on his taking the oath of allegiance to this State, he be discharged.

Adjourned until this afternoon 4 ho.

DIE MARTIS, 4 *ho. P. M. September* 2, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Mr. Yates, Mr. Jay, Mr. Harper, Mr. Cantine, Mr. Hobart, Genl. Scott, Mr. Morris, Colo De Witt, Major Van Zandt, Major Tappen, Mr. Tredwell, Mr. Gilbt. Livingston, Mr. R. R. Livingston.

A letter from Colo. Morris Graham to His Excellency the Governor, dated at Van Schaick's island, August the thirty-first, enclosing an arrangement of the officers of the regiments of drafts from the militia under his command, and requesting commissions may be made out for such of them whose names are marked with an asterism, was brought into Council (by the Secretary) by the direction of His Excellency.

The same was read and immediately taken into consideration.

Resolved, That His Excellency the Governor be empowered and requested to grant brevets to such officers of Colo. Graham's regiment of drafts (from the militia) serving in the northern army, as have not commissions for the rank they now hold in the regiment.

Mr. Jay dissents to the aforegoing resolution.

Ordered, That Doctor Luke Keirstead be authorized and requested to visit the Fleet prison and Kingston jail at least twice a week, and whenever he shall be required by the warden or jailer of the said prison or jail, and that he attend such of the prisoners as are indisposed.

Adjourned until to-morrow morning 10 ho.

DIE MERCURII, 10 HO. A. M.
September 3, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Mr. Yates, Mr. Harper, Mr. Jay, Mr. Platt, Mr. Hobart, Mr. R. R. Livingston, Genl. Scott, Major Tappen, Mr. Gilbt. Livingston, Major Van Zandt, Colo. De Witt, Mr. Tredwell, Mr. Morris.

Egbert Benson, Esqr. one of the commissioners for detecting and defeating all conspiracies, &c. attending, informed the Council of the proceedings of their board while at Canaan, Kinderhook, Claverack, &c. He further informed that many of the persons apprehended and lately sent from that quarter, and who are now confined on board the Fleet prison, were apprehended only on suspicion of having joined the enemy.

Ordered, That Mr. Benson, together with Major Van Zandt and Mr. Harper, do proceed to the Fleet prison and examine the State prisoners lately apprehended to the northward, and that they be authorized to discharge such of them as they may think proper.

An account of Colo. Jacob Hornbeck, amounting to eleven pounds sixteen shillings and six pence for his disbursements on the expenses attending the execution of Jacobus Rosa and Jacob Middagh, was delivered in and read.

Ordered, That the said account be referred to the Auditor-General, and that he audit the same for payment.

Ordered, That Henry Schenk, Esqr. deliver to Messrs. Gideon Ver Veelen and Abraham Schenk, two bushels and a half of the salt, now in his possession, belonging to this State, of the use of the indigent persons under their care, and take a receipt for the same.

An examination of Johannes Oosterhout, Junr. and Nicholas the Indian, taken the twenty-third day of August, 1777, before Jacob Hornbeck, as they just returned from the Indian country, was sent into Council by His Excellency the Governor, for the consideration of Council, and their opinion and advice thereon, and is in the words following, vizt:

"1st. They depose and say that the Indians have abandoned the Kookhouse, and are all moved back as far as Anquago or Coletien, being afraid of the people of Esopus and Minisinck; as said Indians had received information before they moved, that 2,000 men were coming up to destroy them, and therefore the said Indians had kept out a scouting party towards Shokaken, till such time as said Oosterhout and Nicholas came and told them the contrary.

"2ndly. That the most part of the young Indians were gone to join Butler at Fort Stanwicks, and the wife of the chief sachem of the Five Nations had made a request to the sachems, that all the Five Nations should be desired at once to hold themselves neutral in the present contest or war; which request was granted her: whereon the chief sachem should immediately request the said Five Nations to stop their hostile measures, and come in again with those that have hitherto been still; and if the young Indians should refuse to return, but continue with Butler in the war, then the sachem offers to be at peace and continue in friendship with the people at Esopus, Minisink, Papackunk, Kasshigton, Wyamonck, and all settlements to the southward thereof, so that war should only be to the north; and if any of their young men should be killed to the north, they should not mind it or break friendship; and if any of our men should go in the war to the north, and be killed, we should likewise not mind the same or break friendship.

"3dly. An Indian is sent with Oosterhout and Nicholas by the sachem, to Colo. Hornbeck to see how times are with him, and to desire of said Hornbeck that a correspondence may be kept with Esopus people and the sachems, notwithstanding the war to the north; and that once every three or four weeks, a man may pass and repass between them, so that the women and children may be at peace and their work on both sides; and that the road on the side of the Indians shall be constantly open for us safely to come to them and return.

"4thly. That the Oneida Indians are heartily in favour of America, and very likely a war will soon break out with them and other nations."

The said examination or message being read and considered, the Council came to the following resolutions, to wit:

Resolved, That in the opinion of this Council, the message from the Indians of Oneoghquago, which hath been laid before them by His Excellency the Governor, is an insult to this State; and that it is inconsistent with the honour and interest of the State to consider them in a state of neutrality, while their warriors are engaged against us.

Mr. Yates and Colo. De Wit dissent.

Resolved, That in the opinion of this Council it will be proper for His Excellency to inform the aforesaid Indians, that unless their warriors are called in and return immediately, the said Indians will be considered and treated as open enemies.

Mr. Yates and Colo. De Witt dissent.

Resolved, That the Governor be empowered to take into pay such of the Indian warriors as may choose to enter into the service of this State.

Mr. Yates dissents.

Resolved, That the Oneida nation are the allies of this State, and that we shall consider any attack upon them as an attack upon our own people.

The committee to whom was referred the pay and sub-

sistence rolls of the men raised by order of the committee of Westchester county, for the defence thereof, as also the proceedings of the said committee thereon, delivered in their report, which was read and approved of, and is in the words following, to wit:

"That it appears to your committee that the late Convention of this State did, in and by a certain resolution, bearing date the sixth day of May last, resolve in the words following, to wit:

"*Resolved*, That the committee and field officers of the county of Westchester, be empowered to raise as many men as they can for the defence of the said county, and that this Convention will defray the expense thereof.

"That the committee and field officers of the said county did order a certain number of men to be raised for the defence of said county, by virtue of the said resolve, to continue in service until the first day of January next, unless sooner discharged; and did agree to pay to each private six pounds per month, and rations; or in lieu of rations, two dollars per week to each sergeant; seven pounds per month to each corporal; fifer and drummer, six pounds ten shillings per month, together with the same rations or allowance as the privates; and to the commissioned officers Continental pay and rations, or in lieu of rations, twenty-one shillings per week.

"That it appears from the pay and subsistence rolls, that eighty-eight men, officers included, have been raised, in consequence of said resolve, and are now in actual service in the said county; and that the said pay and subsistence rolls, from the first day of June last to the first day of August, being two months, amounts to one thousand five hundred thirty-two pounds three shillings and six pence.

"Your committee, after having stated the above facts, are of opinion, that the aforesaid committee and field officers were not authorized or warranted, by the true construction of the said resolve, to raise the said men on any other than the usual pay; and that the retaining in pay any corps at the extravagant rate of wages on which these have been engaged, would be attended with very evil consequences.

"1st. By affording the militia of every other county in the State, when called into actual service, an equitable claim to the same extravagant pay, especially where the county from which they might be ordered should be equally exposed to the incursions of the enemy.

"2dly. The establishing a pay for the militia service so far above the Continental pay, would greatly retard the filling of the Continental regiments engaged to be raised by this State.

"Your committee are, nevertheless, of opinion, that the committee of the county of Westchester might possibly have been led into a misapprehension of the above recited resolution, from its containing no express limitation of the pay they were empowered to offer; and that it would be unjust to leave the said committee bound for the payment of the wages of the troops raised in consequence of the above resolution, since they were probably prompted to the measure by their endeavour to serve the public."

Resolved, therefore, That the said pay and subsistence rolls be audited, and that the rangers raised in the county of Westchester, be immediately disbanded, unless they shall be willing to serve hereafter for Continental pay, and the above allowance for rations.

Resolved, That the committee of the county of Westchester, account immediately with the Treasurer of this State for the proceeds of the sale, and all such effects as have been taken in the said county by the said corps of rangers.

Adjourned until 4 ho. P. M.

DIE MERCURII, 4 *ho. P. M. September* 3, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Genl. Scott, Mr. Yates, Mr. Tappen, Mr. Platt, Mr. Tredwell, Mr. R. R. Livingston, Mr. Gilbt. Livingston, Mr. Hobart, Colo. De Witt.

Ordered, That the Treasurer of this State pay unto the Honourable John Sloss Hobart the sum of twenty-two pounds, two shillings and one penny, for his account of expenses on his journey to Springfield, in Massachusetts Bay, by order of this Council.

On information that Cornelius C. Elmendorph, commissary of the Fleet prison, has neglected to supply the State prisoners in jail with bread agreeably to the order of this Council of the first instant, and that the said commissary intends to resign the said office of commissary in one week:

Ordered, That the said Cornelius C. Elmendorph, commissary, &c. be, and he hereby is, peremptorily ordered forthwith to comply with the order of this Council of the first instant, for supplying the State prisoners in Kingston jail with bread, and that he be informed that a resignation of his office will not be accepted of, until another commissary be provided, and sufficient time allowed him to procure a supply of provisions.

The Council being informed that those men of Capt. Payne's company who, by order of Council, have joined Captain Schoonmaker's company, on a supposition that they belong to Major Wheelock's corps, who are disbanded, have applied for passes to return home: Thereupon,

Ordered, That the said men be informed that they did not belong to Major Wheelock's corps at the time they were ordered to join Captain Schoonmaker's company; and that Captain Schoonmaker be directed not to permit any of the said men to depart or quit his company, without orders from His Excellency the Governor, or this Council.

A letter from the Auditor-General informing Council that Colo. Lasher hath delivered of the military stores of the State, to the committee of Westchester county, without orders from Council, was read.

Ordered, That a copy of the said letter be transmitted to Colo. Lasher, and that he be directed to inform the Council of his reasons for delivering out military stores without orders.

DIE JOVIS, 10 HO. A. M.

September 4, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Mr. Tappen, Mr. Harper, Mr. Jay, Mr. Hobart, Mr. Yates, Mr. Robt. R. Livingston, Mr. Gilbt. Livingston, Mr. Tredwell, Mr. Platt, Major Van Zandt.

The memorial of James Place, confined in Kingston jail, and the petition of William Cameron, and the other six prisoners brought by Major Wynkoop and his party from Schoharie, were read.

Ordered, That the same be committed to Mr. Harper and Mr. Tappen.

Adjourned until to-morrow morning, 10 ho. A. M.

DIE VENERIS, 10 HO. A. M.

September 5, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Mr. Jay, Mr. Hobart, Mr. Morris, Mr. Yates, Mr. Platt, Mr. Robt. R. Livingston, Mr. Tappen, Major Van Zandt, Mr. Harper, Colo. De Witt, Genl. Scott, Mr. Gilbt. Livingston.

A letter from Colo. John Broome, dated at Hartford, August 27th, informing that application has been made to His Excellency Governor Trumbull, in behalf of some of the refugees of this State residing in Connecticut, for permits to export flour to the French West India Islands; and that His Excellency is desirous of the previous concurrence of the Council of Safety of this State to the measure, was read.

Ordered, That the same be referred to Mr. Robert R. Livingston.

A draft of a letter to the Honourable Major-General Gates was read and approved of, and is in the words following, to wit:

"SIR—Some time last winter a number of sick from the northern department, on their way to Pennsylvania, were obliged to stop at this place, and continued here under the care of the committee for a considerable time; the expense accruing from the supplies of the necessaries to them, amounts to the sum of one hundred and thirty-three pounds fourteen shillings: applications have been made for the money, but have, I suppose, by not applying to the proper person, miscarried. I am requested, sir, to take your directions whether the accounts are to be audited by the paymaster, the director of the hospital, or paid by your order from the military chest.

"I am, sir, with respect,
"Your most obedient hum. servt.

"Major-Genl. GATES."

Ordered, That a copy thereof be signed by the President, and transmitted.

Ordered, That the Treasurer of this State advance to Cornelius C. Elmendorph, commissary of the Fleet prison, the sum of one hundred and fifty pounds, on account.

Ordered, That the commissary of the clothing store of this State, deliver to General Scott two pair, and to Thomas Tredwell one pair of shoes, they paying for the same.

Ordered, That the Treasurer of this State pay unto Francis Filken, Esqr. on the credit of the city and county of New-York, the sum of ten pounds, for services by him performed by order of the general committee of the said city and county.

Mr. Robert R. Livingston, to whom a letter from Colo. Broome was committed, reported the draft of a letter to Governor Trumbull on the subject thereof, which was read and approved of, and is in the words following, to wit:

"SIR—The Council have directed me to enclose to your Excellency, the copy of a letter which they have received from Mr. Broome, and to present you their thanks for the attention you are pleased to pay to their sentiments. They can have no objections to your Excellency's granting the indulgence requested under such restrictions as you may think prudent.

"I have the honour to be,
"Your Excellency's most obt. hum. servt.

"His Excellency Govr. TRUMBULL."

Ordered, That a copy thereof be signed by the President, and transmitted.

The memorial of Thomas Eltinge, praying leave to enlist men from on board the Fleet prison to serve as marines on board the Montgomerie Continental frigate, was read.

Ordered, That the same be committed to Mr. Harper and Major Van Zandt.

The committee to whom were referred the memorial of James Place, and the petition of William Cameron and the other six prisoners brought by Major Wynkoop's party from Schoharie, delivered in their report, which was read, amended and agreed to, and is in the words following, to wit:

"That it appears that the said James Place is a very suspicious character; that his testimony with respect to himself cannot be admitted, and therefore that he be continued in close confinement.

"That it appears from the said petition of William Cameron and the six prisoners brought with him as aforesaid, that they have, contrary to the resolutions of this State, aided and assisted the enemies thereof, by taking up arms against it, and therefore, that they be confined in irons in one of the jail rooms of Kingston, and that the sheriff, with the advice of Major Van Zandt and Mr. Harper, do cause as many of the least dangerous of the prisoners in the said jail to be removed to the Fleet prison.

Adjourned until this afternoon 4 ho.

DIE VENERIS, 4 *ho. P. M. September* 5, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Mr. Hobart, Mr. Yates, Mr. Harper, Mr. Platt, Colo. De Witt, Genl. Scott, Major Van Zandt, Mr. Gilbt. Livingston, Mr. Tredwell, Mr. Jay.

A letter from Theodorus Van Wyck and Isaac Sheldon, commissioners for sequestration in Dutchess county, was received, read, and is in the words following, vizt:

"*Kingston, Sept. 5th*, 1777.

"SIR—We have lately discovered a quantity of goods, belonging to Mr. Peter Styvezandt and others, now with the enemy, in the possession of Mrs. Ten Broeck, and have some reason to believe there is a farther quantity which she conceals, and refuses to give evidence concerning them.

"Although we are authorized, where we suspect a concealment, to examine persons upon oath, yet we conceive our powers defective, as we have no authority to compel the witnesses to swear, in case they should refuse. We thought it our duty to inform you of this matter, with a request that you will please to lay it before the Council of Safety, and should be glad of their advice and direction.

"We remain your most obedt. humb. servts.
"THEODS. VAN WYCK,
"ISAAC SHELDON,
"*Commissioners of Sequestration for Dutchess county.*

Resolved, thereupon, That in all cases whatsoever in which the commissioners of sequestration are, by any former resolution of this Council or the Convention of this State, authorized to examine any person as a witness, on oath, the said commissioners be and they hereby are empowered to commit to the jail of the county every person who shall refuse to be examined on oath, as a witness, by the said commissioners, in the execution of their office, until such persons shall submit to such examination on oath as aforesaid.

Resolved, That the jailer of Kingston be and he is hereby directed to serve out to the prisoners confined in the said jail, the bread which shall be brought for their use by the commissary or baker.

Resolved, That Cornelius C. Elmendorph, commissary of the Fleet prison, be allowed a reasonable compensation for his extraordinary services.

Adjourned until to-morrow 10 ho.

DIE SABBATI, 10 HO. A. M.
September 6, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Mr. Jay, Mr. Hobart, Mr. Yates, Colo. De Witt, Mr. Harper, Mr. Gilbt. Livingston, Mr. Platt, Genl. Scott, Major Van Zandt, Mr. Tredwell.

The petition of Andreas Ten Eyck, confined on board the Fleet prison, in irons, praying that his irons be taken off, that he may be enabled to clean and shift himself, was read.

Ordered, That his irons be taken off, for the purpose of cleaning and shifting himself, as often as the warden shall think the same necessary, and that they be immediately put on again.

On motion of Mr. Harper, seconded by Mr. Hobart,

Resolved, That a committee be appointed to draft and report a resolution, offering free pardon (under certain restrictions) to such of the subjects of this State as (since the evacuation of Ticonderoga) have joined the army under the command of General Burgoyne, and have since returned.

Ordered, That General Scott and Mr. Hobart be the committee.

Adjourned until 4 ho. P. M.

DIE SABBATI, 4 *ho. P. M. September* 6, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Genl. Scott, Mr. Tredwell, Mr. Harper, Mr. Platt, Mr. Hobart, Mr. Yates, Major Van Zandt, Mr. Gilbt. Livingston.

Genl. Scott and Mr. Hobart, according to order of this morning, reported a resolution on the subject of granting free pardon to such persons as, since the evacuation of Tyconderoga, have joined Genl. Burgoyne, and who may return, which was read and amended, and agreed to, and is as follows:

"WHEREAS by the abandonment of Tyconderoga and the sudden irruption of the enemy into the northern parts of this State, in consequence thereof many well disposed subjects, impelled by their fears, have not only taken protections from the enemy, but have joined the army under the command of Genl. Burgoyne: AND WHEREAS it is probable that such of the subjects of this State as aforesaid on a due consideration of the reëstablishment of our affairs in the northern department, will think themselves happy in an opportunity of returning to their allegiance to this State if they may be secured against punishment for their defection; by which means the enemy's army may be greatly diminished and the American forces in the northern department may receive considerable reinforcements, an event which will necessarily tend to the safety of this State:

"*Resolved*, therefore, That the Commander-in-Chief of the Continental army in the northern department, shall be and is hereby authorized in the name and by the authority of this State, to grant full pardon and indemnification to all such persons as aforesaid who shall deliver themselves up to the said Commander-in-Chief, or any other officer under his command, on or before the first day of October next; provided always that no person shall be entitled to such pardon and indemnification who shall refuse to take an oath of allegiance to this State, which the said Commander-in-Chief, or any officer appointed by him for the purpose, is hereby authorized to administer."

Mr. Hobart and Mr. Tredwell dissent.

A draft of a letter to the Honourable Genl. Gates, on the same subject, was read, and follows in the words to wit:

"SIR—The preamble of the enclosed resolution will at the same time open to you the design of this Council in passing it and point out its true objects. It is the desire of this Council that a proclamation be issued by you grounded on the said resolution; but as some of the matters recited in the preamble are only designed as a justification on record of our conduct in this instance, we request that in your proclamation you insert no more of the preamble than will be necessary to characterize the persons to whom it is intended to give the benefit of the resolution.

"I am, with respect, sir,

"Your most obt. humble servt.

"Major-Genl. GATES."

DIE LUNÆ, 10 HO. A. M.

September 8, 1777.

The Council met pursuant to adjournment.

Prayers as usual.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Mr. Hobart, Mr. Tredwell, Mr. Jay, Mr. Cantine, Mr. Platt, Major Van Zandt, Major Tappen, Colo. De Witt.

WHEREAS it hath been represented to this Council that Benjamin Elmendorph and Abraham Heermans, two of the constables in Ulster county, are enlisted in Captain Schoonmaker's company of guards, and thereby prevented from executing the duties of the said office:

Ordered, That Captain Schoonmaker do discharge the said Benjamin Elmendorph and Abraham Heermanse from his company, and that he enlist two men in their stead.

WHEREAS it is represented to this Council that a sergeant of Captain Bevier's company in the Continental army hath enlisted in the said company prisoners of war while on parol:

Resolved, That this Council highly disapprove thereof, and that the commissary of prisoners of war in this State do without delay order the said prisoner to return and remain at Kingston agreeably to his parol.

A letter from Doctor John Jones, of the seventh instant, informing that his ill state of health for three weeks past has not permitted him to comply with the most pressing calls of duty in his own profession, and as he always suffers a pretty long continuance of his asthmatic complaints at this season of the year, he is more than apprehensive that it will not be in his power to attend the Senate at this very important part of their session, for which reason, as well as the general ill health under which he has the misfortune to labour, notwithstanding the warmth and sincerity of his disposition to render any services in his power to the common cause of freedom and his country, he could wish the Council of Safety to think of some person whose health and abilities united, may better qualify him to supply in Senate the nomination with which they have lately honoured him, was read and filed. Thereupon,

A letter (in answer) was sent to Doctor John Jones, and is in the words following, vizt:

"SIR—Your letter of the seventh instant has been received and laid before the Council. They regret your absence from the Senate, and the more so, as it is occasioned by want of health. They hope that obstacle will be soon removed; and that you will embrace the first opportunity of rendering your country those services which they have a right to expect from your zeal and abilities."

"I am with respect,

"Your most obt. humb. servt.

"Doctor JOHN JONES."

Ordered, That a copy thereof be signed by the President, and transmitted.

Ordered, That the Treasurer pay on the certificate of one of the Secretaries to each of the members of the Council such sums of money as shall be due to them for their attendance on the business of the same, agreeably to a resolution of the late Convention, of the day of the last.

Ordered, That Asa Harrington, sergeant of the guard, who brought the prisoner from Albany this day, and who are to return immediately, to take charge of and convey to the city of Albany, Samuel Ingerson and John Ryley, supposed to have deserted from Glover's brigade, and Nathan Moulton and James Beverly, two other deserters, and deliver them to the commanding officer there.

The Council taking into their further consideration the resolution of the sixth instant, authorizing General Gates to issue a proclamation under certain restrictions, offering full pardon and indemnification to such of the subjects of

this State as have since the evacuation of Ticonderoga taken protection of or joined the army under the command of Genl. Burgoyne, agreed to the following letter on the subject, to wit:

"SIR—I wrote you on the sixth instant by direction of the Council of Safety, enclosing a resolve empowering you to issue a proclamation, offering a pardon to such well disposed subjects of this State, who impelled by their fears have either accepted protection from or joined the enemy's army. As the propriety of such a proclamation must depend on facts, of which the Council are not fully informed, and which fall immediately within your notice, they refer it entirely to your discretion, either to issue or withhold it as you shall judge will be most advantageous to the common cause.

"I have the honour to be, sir,

"Your most obt. hum. servt.

"To Major-Genl. GATES."

Ordered, That a copy thereof be signed by the President, and transmitted.

A letter from Henry Cuyler, of the county of Albany, a prisoner of war, on parol, and who hath violated his said parol by departing beyond the limits prescribed for his residence, dated at Greenbush, the 4th instant, and directed to the chairman and gentlemen of the general committee of the city and county of Albany, was transmitted by the said committee for the consideration and directions of this Council.

The same being read and considered,

Resolved, That the committee of Albany be requested to send the said Henry Cuyler (under proper guard) to the Fleet prison at Esopus Landing.

Adjourned until 4 ho. P. M.

DIE LUNÆ, 4 *ho. P. M. September* 8, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Genl. Scott, Mr. Tappen, Mr. Harper, Mr. Yates, Mr. Platt, Mr. Jay, Mr. Cantine, Mr. Hobart, Colo. De Witt.

The Secretary, Mr. Benson, informed the Council that on the day of last, several letters were brought from New-York by a flag of truce, to Peekskill, and sent by the commanding officer there to the then convened at Fishkill; that among the said letters was one from Anthony Van Dam, at New-York, directed to James Duane and Peter R. Livingston, Esqrs. containing one hundred and sixty dollars of the currency, emitted by the Convention of this State, which Mr. Van Dam requested those gentlemen to pay to Robert Livingston, Esquire, on his account; and that by order of the said of the of last, the said Secretary was directed to keep the said money in his custody until further order.

Ordered, That the Secretary deposit the said one hundred and sixty dollars into the treasury of this State.

Resolved, That the Revd. Doctor John Rodgers be allowed the sum of one hundred and eighty pounds, to defray the expenses of the removal of his family to this place, at the request of the late Convention, and for his past services as chaplain to this Council. And

Ordered, That the Treasurer of this State pay the said sum to Doctor Rodgers.

The committee appointed to devise and report the most proper method for the distribution of the salt, (purchased on account of this State for the use of the inhabitants thereof,) reported the following resolutions, which were read and approved of, to wit:

Resolved, That the said salt be deposited in three different parcels, to wit: 1,700 bushels thereof at the landing of Robert Livingston, Esquire, in the manor of Livingston; 1,700 bushels thereof at the landing of William Radliff, in Rhinebeek precinct; and 1,600 bushels thereof at the store of James Reade, in Dutchess county, including the salt in the store of Henry Schenk, Esqr. under the care of commissioners.

That the said Robert Livingston, William Radliff and James Reade be commissioners for receiving and delivering out the said salt to the orders of the different county committees; and that each of the said commissioners be and hereby is allowed the sum of three pence per bushel, as per invoice, for receiving, storing and delivering out the said salt, to be paid by the Treasurer of the State, on order from the Auditor-General, before whom the said commissioners shall make due proof, on oath or otherwise, of such receipt and delivery.

Resolved, That the said commissioners deliver to the order of the chairman of the several county committees, the number of bushels, to wit: to the chairman of the committee of the county of Albany, or his order, 1,100 bushels; to the chairman of the committee of the county of Tryon, or his order, six hundred bushels; to the chairman of the committee of the county of Dutchess, or to his order, one thousand bushels; to the chairman of the committee of the county of Westchester, or his order, five hundred bushels; to the chairman of the committee of the county of Orange, or his order, five hundred bushels; and to the chairman of the committee of the county of Ulster, eight hundred bushels.

Resolved, That the committees of the said counties do appoint commissioners in their respective counties to sell the said salt, who shall be sworn before the chairman of the committee faithfully to discharge the trust respectively reposed in them, and shall be entitled to retain out of the moneys arising from the sale, one shilling per bushel in lieu of commissions.

Resolved, That the said commissioners shall deliver to each master, or mistress of a family, or his or her order, three quarts of salt for each person in their respective familie, upon producing a certificate, signed by the chairman of the county, or district committee, where he or she shall respectively reside, that he or she is well affected to the American cause; and on due proof made on oath of the number of persons in each such family, shall receive for the same, on the delivery thereof, two shillings and six pence per quart.

WHEREAS many of the good people of this State have been driven from their habitations by the incursions of the enemy, and have removed into the neighbouring States:

Resolved, That every master or mistress of a family so removed, shall be entitled to receive from the commissioner nearest to his or her place of residence, his or her proportion of salt respectively, at the price aforesaid; provided such master or mistress shall make due proof on oath of the number of his or her family, and produce a certificate signed by the chairman of the committee or the select men of the town in which they shall then reside, of such removal and residence.

Resolved, That the chairman of the said several county committees produce their accounts, together with their vouchers, of the expenses arising on the transportation of the said sal. to the Auditor-General of this State, who is directed to audit the said accounts for payment.

Resolved, That the chairman of the county committees notify the Treasurer of the State of the names, occupations and places of abode of the several commissioners in their respective counties.

Resolved, That the said commissioners shall produce their accounts (as soon as may be after the salt is sold) to the Auditor-General, to be audited and passed.

Resolved, That it is the intention of this Council, that all such persons in this State as have taken an oath of allegiance thereto, and have not, since the taking of the said oath, acted in any manner inconsistent with, or contradictory thereto, and shall obtain a certificate thereof from the chairman of the county or district committee, shall be entitled to their respective proportions of salt, as above mentioned.

Resolved, That all the residue of the said salt, after the above distribution, shall remain in the care of the commissioners appointed by the committees of the respective counties above mentioned, to be disposed of by future act or acts of the Legislature of this State.

And whereas the good subjects of this State in the counties of Charlotte, Gloucester and Cumberland are, by the late incursions of the enemy, deprived of a free intercourse with the other parts of this State, and are thereby prevented from receiving their proportions of salt:

Resolved, That the supplying of the said inhabitants in the said counties with that important article, as soon as those obstacles shall be removed, be referred and recommended to the Legislature of this State.

Resolved, That the committees of the several counties to be supplied with salt, by virtue of the aforegoing resolves, apply for the different proportions of salt for their respective counties as follows, to wit: the committee of Westchester, to the store of James Reade; the committee of Dutchess, to the said store, for six hundred bushels, including in that quantitity the salt in the store of Henry Schenk; and to William Radlift, for four hundred bushels; the committee of Albany, to Robert Livingston, Esqr, for the proportion of that county; and the committee of Tryon county, at the same place, for their proportion; the respective committees of Ulster and Orange, for their respective proportions, to the said William Radlift.

Resolved, That the said salt be sold at no more than two places in any county, to be chosen at the discretion of the county committee, in such manner as will be most convenient to the inhabitants, and that no accounts be allowed for any farther transportation thereof.

Ordered, That the above resolutions be published in Holt's and Loudon's papers; and that the Secretary cause the same to be also printed in the Hartford Gazette.

Adjourned until to-morrow 10 ho. A. M.

DIE MARTIS, 10 ho. a. m.

September 9, 1777.

The Council met pursuant to odjournment.

Prayers as usual.

Present—Pierre Van Cortlandt, Esqr. *President*.

Genl. Scott, Mr. Platt, Mr. Hobart, Mr. G. Livingston, Mr. Tredwell, Mr. Jay, Mr Harper, Mr. Morris, Colo. De Witt, Major Van Zandt, Mr. Yates, Mr. R. R. Livingston, Mr. Cantine.

Whereas it hath been suggested to this Council that the county of Charlotte are indebted to Alexander Webster, Esqr. in the sum of sixty-five pounds, for his services in attending the late Convention of this State, the which sum can not now be paid by the committee of the said county:

Resolved and Ordered, That the Treasurer of this State pay to the said Alexander Webster the said sum of sixty-five pounds on account of the said county of Charlotte; and that the said Alexander Webster be held to account for the same with the said county.

Mr. Auditor-General Sands and Mr. L'hommedieu, attending, were admitted. They jointly informed the Council that Mr. L'hommedieu had, on his note of hand to the Treasurer of this State, formerly received the sum of three hundred and seventy pounds; that that sum was received to pay two companies of Continental troops, who were then upon Nassau island; which money he was to repay upon the said troops receiving their pay. Mr. L'hommedieu informed the Council that he received from the officers of that corps the whole of that money except the sum of forty pounds, which he paid to Major Tuthill, who is gone to the enemy on Long island.

Ordered, That. Mr L'hommedieu repay to the Treasurer the said sum of money, the said forty pounds excepted; that he draw an order on Major Tuthill, payable to the Treasurer, for the said sum of forty pounds; and thereupon the Auditor-General close Mr. L'hommedieu's account.

The Auditor-General requested the direction of the Council at what price to charge the pork and provisions belonging to the State, which was spared to the Commissary-General of the Continental army.

Resolved, That the Auditor-General charge the pork and provisions spared to the Commissary-General, at the market price at the time of the delivery thereof.

Whereas the late Convention, on the third day of May last, did resolve that the members of the Council of Safety should be allowed the sum of twenty shillings per day each for every day they should be employed in the business committed to them, as a compensation for their loss of time and expenses.

Resolved, That the Treasurer of this State be, and he is hereby directed to pay unto each of the members of this Council, such sum or sums of money for their attendance at this Council as shall be certified by either of the Secretaries to be due to the said members respectively.

Adjourned until to-morrow 10 ho.

DIE MERCURII, 10 ho. a. m.

September 10, 1777.

The Council met pursuant to adjournment.

Prayers, as usual.

Peesent—Pierre Van Cortlandt, Esqr. *President*.

Mr. Gilbert Livingston, Mr. Cantine, Mr. Robt. R. Livingston, Mr. Platt, Mr. Van Zandt, Mr. Harper, Mr. Tredwell, Major Tappen.

Resolved, That His Excellency the Governor, and Chancellor of this State, be requested to devise and order to be made, a great seal for this State, and that in the mean time the seal of the Governor be the great seal of this State.

Ordered, That the Treasurer of this State pay to John McKesson, one of the Secretaries, seven dollars, for that sum by him paid by direction of the members of this Council, for conveying to the Honourable Robert Morris, Esqr. a member of the committee of Congress appointed to correspond with the friends of America in foreign parts, at Philadelphia, certain papers for that board which were received at Kingston by the Honourable John Jay, and

Ordered, That the Treasurer charge the same to Continental account.

A petition of Samuel Payne, a captain in Major Wheelock's corps, setting forth, that by reason of the corps being disbanded, and unless the Council of Safety interpose, it will be a great damage to him, and praying that Council of Safety will be pleased to make him some allowance for his past troubles in endeavouring to recruit his men, and the losses he has sustained, was received, read and committed to Mr. Tredwell, Mr. Cantine and Mr. Platt.

Mr. Tredwell from the said committee, brought in the report, which was read and approved of, and is in the words following, to wit:

"Your committee, to whom was referred the petition of Samuel Paine, Esqr. a captain in the service of this State, beg leave to report the following resolutions:

"*Resolved*, That this Council do fully approve of the conduct of the said Captain Paine so far as it hath come to their knowledge; are very sorry that his industry and diligence has not met with that success which they wished, and he had reason to expect.

"*Resolved*, That the said Captain Paine is entitled to Continental pay and rations, from the time he engaged in

the service of the State, to this day, and that the Auditor-General of this State do audit the accounts of the said Captain Paine, and allow him credit for such sum or sums of money as he shall have paid, either as bounty or wages to the men belonging to his company, he producing sufficient vouchers of such payment.

"*Resolved*, That such of Captain Paine's company as have deserted the service or neglected to join the company, have not only forfeited all right to any future demands upon this State, but also the bounty and clothing which have been advanced to them.

"*Resolved*, That the said company be, and they hereby are disbanded.

"*Resolved*, That Captain Paine be allowed the expenses arising from his late journey in order to collect the remainder of his company, undertaken by order of this Council, and that the auditor examine and audit his account thereof.

CONVENTION

OF THE

SENATE AND ASSEMBLY.

At a meeting of the Members of the Senate and Assembly, for the State of New-York, convened by unanimous consent, to form a Convention for the said State, and thereby to provide for the safety of the same, this seventh day of October, 1777.

Members of Senate.

PRESENT—

Pierre Van Cortlandt,
John Morin Scott,
Philip Livingston,
William Floyd,
Levi Pawling,
William Smith,
Jesse Woodhull,
Ryneer Mynderse,
Jellis Fonda,
Jonathan Lawrence,
Alexander Webster,
Abraham Yates,
Dirck Ten Broeck.

Members of Assembly.

New-York—
Mr. Brasher,
Mr. Dunscomb,
Mr. Bancker,
Mr. Van Zandt,
Mr. Harper,
Mr. Jay.

Albany—
Mr. Walter Livingston,
Mr. Whiting,
Mr. Vroman,
Mr. John Cuyler,
Mr. K. Van Rensselaer.

Ulster—
Mr. Hardenbergh,
Mr. Snyder,
Mr. Schoonmaker,
Mr. Rea.

Suffolk—
Mr. Miller,
Mr. Gelston,
Mr. L'hommedieu.

Queens—
Mr. Daniel Lawrence,
Mr. Coe.

Kings—
Mr. Williams.

Westchester—
Mr. Morris,
Mr. Mills.

Dutches—
Mr. Hoffman,
Mr. E. Benson.

Tryon—
Mr. Van Horne,
Mr. Veeder,
Mr. Klock.

Charlotte—
Mr. E. Clarke,
Mr. Rowan.

Orange—
Mr. Hathorn,
Mr. Kupper,
Mr. Van Houten.

Resolved unanimously, That Pierre Van Cortlandt, Esquire, President of the Honourable the Senate, be and is hereby appointed President of this Convention; and that John McKesson and Robert Benson, be and hereby are appointed Secretaries of this Convention.

Resolved, That the several county and district committees within this State, which were in being on the thirteenth day of September last past, and commissioners for detecting and defeating all conspiracies formed within this State, be and hereby are continued and vested with all and singular the powers and authorities which the said committees and the said commissioners respectively have heretofore used and exercised; and the several persons who were then members of the said committees, and of the said board of commissioners, are hereby continued in office accordingly.

Resolved, That the members of the several committees be and they hereby are required immediately to lade all vessels which may be at the different landings, and other places along Hudson's river, with flour, wheat, and any other kind of provisions which may be near the shores of the said river, and send the said sloops and vessels to Albany; that they give receipts for the said provisions to the several proprietors thereof, specifying therein the several quantities and kinds, and send exact copies of such receipts to Robert Benson, Esquire, one of the Secretaries of this Convention, who is hereby ordered to send such copies to Jacob Cuyler, Esquire, commissary at Albany aforesaid, reserving duplicates for the use of this State.

Resolved, That the said committees respectively do forthwith cause all the cattle and live stock near or contiguous to either side of Hudson's river, except such parts thereof as, in their judgment, shall be necessary for the present use of the respective proprietors thereof, to be removed into the interior parts of the country on the several sides of the said river, to be taken care of by keepers to be by them severally appointed; which keepers are hereby severally required to return to the said Robert Benson proper accounts of the number of the same and of the several places where the same shall be respectively placed. And in case any person or persons shall obstinately refuse to permit his, her or their cattle or other stock to be so removed, that then and in such case the said committees be, and they hereby are, empowered to destroy the same. And further, that the keepers so appointed be, and they hereby are, empowered to impress pastures for such cattle and stock, for which pasture they shall give receipts to the respective proprietors, and send copies of such receipts to the Treasurer of this State; provided always that no proprietor of cattle or other live stock who shall drive off the same without consent of the committee, shall in any wise be benefitted by this resolve.

Resolved, That William Floyd, John Morin Scott, Abraham Yates, Johannes Snyder, Egbert Benson, Robert

Harper, Peter Pra Van Zandt, Levi Pawling, Daniel Dunscomb, Evert Bancker, Alexander Webster, William B. Whiting and Jonathan Langdon, Esquires, or any seven of them be, and they hereby are, appointed a Council of Safety, and that they be, and they hereby are, in the recess of this House, vested with the like powers and authorities which were given to the late Council of Safety, appointed by the last Convention of this State: that every member of the Senate and Assembly, and the Delegates of this State in Congress, be entitled from time to time to sit and vote in the said Council; and that the said persons, or any seven of them, be and continue a Council of Safety so long as the necessities of this State shall require, and no longer.

Resolved, That the Governor, or in his absence, the President of the Senate, when they shall respectively be present at the said Council, shall preside at, and upon an equal division, have a casting voice in the same.

Resolved, That all and every, the members of Senate and Assembly, be deemed members of this Convention, and that twenty-five be a quorum to proceed on business.

A draft of a letter to His Excellency the Governor, was then read, and is in the words following, to wit:

"*Kingston, 7th October*, 1777.

"SIR—By the enclosed resolution, your Excellency will perceive what steps the Legislature have taken to provide for the safety of the State in the present emergency. The impossibility of keeping the several members in attendance on so critical an occasion must apologize for the measure. We hope soon to meet you again in our former capacity as members of Senate and Assembly; in the interim you will be pleased to make application to the Council of Safety for such matters and things as may to you appear from time to time necessary.

"We are, sir,
"Your Excellency's most obedient
"And humble servants.
"By order.

"His Excellency Govr. CLINTON."

Ordered, That a copy thereof be engrossed, and signed by the President, and transmitted to His Excellency.

JOURNAL

OF THE

COUNCIL OF SAFETY.

DIE MERCURII, 10 HO. A. M.

October 8, 1777.

The following members met, vizt:

Of the Council of Safety.	*Members of Senate and Assembly.*
Mr. FLOYD,	Mr. LIVINGSTON,
Mr. SCOTT,	Mr. EBR. CLARK,
Mr. YATES,	Mr. WILLIAMS,
Mr. SNYDER,	Mr. REA,
Mr. BENSON,	Mr. SCHOONMAKER,
Mr. HARPER,	Mr. VAN HORNE,
Mr. PAWLING,	Mr. MILLS,
Mr. DUNSCOMB,	Mr. ROWAN,
Mr. BANCKER,	Mr. KLOCK,
Mr. LANDON,	Mr. BRASHER,
Mr. WHITING,	Mr. MORRIS,
Mr. WEBSTER.	Mr. L'HOMMEDIEU.

Mr. Floyd chosen President.

Council took into consideration the removal of the State prisoners. Thereupon,

Resolved, That all the prisoners confined in the jail and on board the Fleet prison at this place, to be forthwith sent to Hartford, in Connecticut, to be confined in such manner, and at such places as His Excellency Governor Trumbull shall direct.

Resolved and Ordered, That Colonel Lasher deliver to Captain Cooper, three hundred and sixty rounds of cartridge and two muskets, with accoutrements.

A draft of a letter to Governor Trumbull, to go with the prisoners, was read, agreed to, and is is in the words following, to wit:

"*Kingston, October 8th*, 1777.

"SIR—You will before this time have heard the fate of forts Montgomery, Clinton and Constitution. While assiduously employed in strengthening General Gates and the northern army, from an opinion that the fate of America would greatly depend upon our exertions in that quarter, the passes in the Highlands have been of necessity neglected. Add to this, that General Washington hath called away almost all the Continental troops which were in those posts, and you will readily perceive that we are entirely exposed. In this situation, it would be imprudent to keep a number of prisoners in this State. We have, therefore, sent by the bearer, Mr. , to your care the several persons mentioned in the enclosed list; and we pray you to take the most effectual measures for securing them until this State can receive them with safety or make further order for their safe custody.

"I have the honour to be, &c.

"By order.

"To GOVR. TRUMBULL."

Ordered, That a copy thereof be engrossed, and signed by the President, and transmitted to His Excellency Governor Trumbull.

A letter from His Excellency the Governor, dated the 7th instant, and received yesterday evening, was read, and follows, to wit:

"*New-Windsor, 7th October*, 1777.

"GENTLEMEN—The extreme fatigue I have undergone the three days past, and the want of rest for an equal number of nights, renders me unfit to write you on matters of so serious consequences to this State, as I have to communicate. I am able only briefly to inform you, that yesterday about 10 o'clock A. M. our advanced party was attacked by the enemy at Doodle Town, about 2½ miles from Fort Montgomery: they consisted of but 30 men; the enemy by appearance and accounts, so far received, of 5,000. They received the enemy's fire and returned it, and retreated to Fort Clinton; soon after, we received intelligence that the enemy were advancing on the west side of the mountain, with design to attack us in rear. Upon this I ordered out Lieut. Colos. Bruyn and McClaghry, with upwards of 100 men, towards Doodle Town, and a brass field piece, with a detachment of 60 men, on every advantageous post on the road to the furnace. They were not long out, before they were both attacked by the enemy with their whole force; our people behaved with spirit, and must have made great slaughter of the enemy. I strengthened the party on the furnace road to upwards of 100, but they were obliged to give way to so superior a force as the enemy brought against them. They kept their field piece in full play at them, till the men who worked it were drove off with fixed bayonets, then spiked it, and retreated with great good order to a 12 pounder, which I had ordered to cover them, and from thence in the fort. I immediately posted my men in the most advantageous manner for the defence of the post, and it was not many minutes before, as

well our post as Fort Clinton was invested on all sides, and a most incessant fire kept up till night; and soon after dusk, when the enemy forced our lines and redoubts at both posts, and the garrisons were obliged to fight their way out, as many as could, as we were determined not to surrender, and many have escaped.

"I was summoned, sun an hour high, to surrender in five minutes, and thereby prevent the effusion of blood. I sent Lieut. Colo. Livingston to receive the flag, who informed them that he had no orders to treat with them, except to receive their proposals, if they meant to surrender themselves prisoners of war, in which case he was empowered to assure them good usage. About 10 minutes after, they made a general and desperate attack on both posts, which was resisted with great spirit, but we were at length overpowered by numbers, and they gained the possession of both posts. Officers and men behaved with great spirit, as well Continental troops as militia. Our loss in slain can not be great, considering the length of the action. My brother, Genl. Clinton, is wounded, and I believe made prisoner. This is the case with Major Logan. The number of missing I can not ascertain. The ships are both burnt and Fort Constitution demolished, by our people, without my orders; but I can not, as yet, condemn the measure. The officers all say it was right. I am clear it was as to the fort, after removing artillery and stores, which has not been done. The ships I hoped might have been saved. Genl. Putnam will retreat to near Capt. Haight's, about three miles from Mrs. Van Wyck's, and I mean to rally my broken but brave forces, and advance to-morrow on Butter hill. Genl. Putnam is to send Colo. Webb's regiment to join me.

"I beg you will give the substance of this account to Genl. Gates, in answer to his letter to me. I have only to add that I greatly regret the loss of those posts; but I am consoled with the full persuasion that they have bought them dear, and that I have done the most in my power to save them. I beg you to excuse incorrectness,

"And am with due respect,

"Your most obedt. servt.

"GEO. CLINTON.

"*P. S.* Major Lush is, I believe, their prisoner."

A draft of a letter to General Gates, to enclose a copy of His Excellency the Governor's letter, which was received last night, was read and approved of, and is in the words following, to wit:

"*October* 8, 1777.

"SIR—By the enclosed copy of the Governor's letter, you will perceive the situation we are reduced to; and most probably will agree with us that no time should be lost in reinforcing the southern army; for which purpose it is our earnest request to you that at least the militia from the counties of Ulster and Dutchess should be sent forward immediately, if consistent with the safety of your department.

"We are with great esteem,

"Your most obedient servts.

"By order.

"Major-General GATES."

Ordered, That a copy thereof be engrossed, and signed by the President, and transmitted to Major-General Gates.

Resolved, That the President be directed to send without delay, by express, to the respective committees the resolutions passed yesterday, for the removal from places near the banks of Hudson's river, all cattle, live stock, &c. and that he be empowered to impress persons and horses for the purpose.

Ordered, That Mr. Mills and Mr. Dunscomb be a committee to examine the state of the public records of this State, and cause them to be boxed and otherwise secured, so as they may be sent off to some place of safety at a moment's warning.

Mr. Harper moved for the sense of the Council whether Mr. Colden is to be considered as one of the prisoners to be removed to Connecticut.

It was determined that he is intended to be included.

Then the Council adjourned until 3 o'clock this afternoon.

DIE MERCURII, 3 *ho. P. M. October* 8, 1777.

The Council met pursuant to adjournment.

PRESENT—Mr. Floyd, *President*.

Mr. Scott, Mr. Bancker, Mr. Snyder, Mr. Dunscomb, Mr. Yates, Mr. Landon, Mr. Whiting, Mr. Van Horne, Mr. Clide, Mr. Klock, Mr. Smith, Mr. Schoonmaker.

Resolved, That the commissioners for detecting and defeating all conspiracies formed in this State or any one of them, be authorized and required to superintend the removal of the prisoners from this place to Hartford, in Connecticut, to call out detachments of the militia of this State to guard the said prisoners, and to impress such teams and provisions as may be necessary for the said prisoners and the guard conducting them.

Ordered, That the Treasurer of this State advance to the commissioners for detecting and defeating all conspiracies formed in this State or any one of them, the sum of one hundred pounds on account.

Resolved, That the committee of the town of Kingston be requested to cause so much of the salt now in the store of Captain William Radliff, at Rhinebeck Landing, as is allotted for the use of the inhabitants of the counties of Ulster and Orange, to be immediately removed to Kingston aforesaid.

Ordered, That Captain Silvester Salisbury do attend this Council at nine o'clock to-morrow morning; and that he bring with him six of the lighthorse belonging to his company, properly equipped.

Resolved, That Mr. Snyder, Mr. Schoonmaker, Mr. Landon and Mr. Benson, members of this Council, be requested to take four hundred pounds at interest at six per cent, from Abraham Hasbrouck, Esquire, and pay the same to the commissioners for conspiracies; and that this Council will indemnify them for the same.

Adjourned until 10 o'clock to-morrow morning.

DIE JOVIS, 10 HO. A. M.

October 9, 1777.

The Council met pursuant to adjournment.

PRESENT—Mr. Floyd, *President*.

Mr. Scott, Mr. Yates, Mr. Snyder, Mr. Benson, Mr. Harper, Mr. Pawling, Mr. Dunscomb, Mr. Bancker, Mr. Landon, Mr. Van Zandt, Mr. Schoonmaker, Mr. Smith, Mr. Clide, Mr. Ebezr. Clarke, Mr. Rowen, Mr. Brasher.

Complaint having been made that Cornelius Cole, Junr. one of Captain Salisbury's troop of lighthorse, hath neglected or refuses to do his duty when called upon. Therefore,

Ordered, That the said Cornelius Cole, Junr. of Captain Salisbury's company of troopers, do without fail attend this Council, with a sufficient horse properly equipped and accoutred, to-morrow morning at nine o'clock.

Ordered, That Captain Henry Benson do, with the armed sloop under his command, assist the committee in removing the salt from Radliff's Landing to Esopus Landing.

Ordered, That Mr. Benson, Mr. Landon, Mr. Brasher and Mr. Pawling be a committee to devise ways and means to provide immediate supplies of flour for the army.

Ordered, That Mr. Scott, Mr. Yates, Mr. Schoonmaker be a committee to devise and report means for securing the military stores and clothing belonging to the State.

Ordered, That Mr. Bancker, Mr. Snyder and Mr. Harper be a committee to devise and report means for securing the records and the treasury office of this State.

Then the Council adjourned until 4 o'clock this afternoon.

DIE JOVIS, 4 *ho. P. M. October* 9, 1777.

Council met pursuant to adjournment.

PRESENT—Mr. Floyd, *President*.

Mr. Scott, Mr. Yates, Mr. Benson, Mr. Dunscomb, Mr. Van Zandt, Mr. Pawling, Mr. Landon, Mr. Bancker, Mr. Harper, Mr. Snyder, Mr. Brasher, Mr. Mills, Mr. Schoonmaker.

The committee for devising ways and means for securing the military stores and clothing of this State, delivered in their report, which was read and agreed to. And thereupon,

Resolved, That Colonel John Lasher, commissary of the military stores of this State, do lodge the same in different parcels and in such places as he, with the advice and consent of Colonel's Pawling and Snyder, shall think proper; that during the absence of the said Colonel Lasher, the said other colonels shall have the direction of the said military stores; and that Colonel Lasher's deputy or storekeeper, in his absence, obey the orders of the said other gentlemen.

Resolved, That the said gentlemen be authorized to order and direct the serving out of the said military stores to the militia, from time to time, as they shall think fit; that Colonel Lasher, or the said other gentlemen, in making the proper lodgments of the said military stores, do put the same in particular charge to proper persons, taking their receipts respectively for the several quantities deposited in their care; which persons are hereby authorized to make issues thereof from time to time, for the use of the militia, to such persons as His Excellency the Governor, or the Commander-in-Chief of this State for the time being, or either of the said Colonels Pawling and Snyder, shall, by writing under their respective hands, direct.

Resolved, That on every delivery, deposit or issue of the said military stores, receipts be given by the several persons receiving the same; which receipts or certificates, or copies thereof, shall be delivered to the commissioner of military stores for the time being, or his deputy, to be produced by him to the Governor or Commander-in-Chief for the time being, when required; but that nevertheless, the respective orders of the said Colonels Pawling and Snyder shall, in all cases be controlled by those of His Excellency the Governor or the Commander-in-Chief for the time being, whenever he shall think proper; and that all persons who shall receive any of the said military stores for issuing the same to the militia, render themselves accountable for the same by their respective receipts.

The committee for devising means to provide immediate supplies of flour for the army, delivered in their report, which was read and agreed to, and is in the words following to wit:

"*Resolved*, That the deputy commissaries-general of purchases, and their agents, be empowered to impress from each person within this State, a quantity of wheat, either threshed or in the straw, not exceeding twenty bushels; and to impress the team of each person to transport the wheat impressed from him to a mill; paying for such wheat, upon the delivery thereof at the mill, the market price for the same; and paying also for the hire of the team transporting the same to the mill, at the rate of one shilling and three pence per mile; provided nevertheless, that each inhabitant be permitted to retain fifteen bushels of wheat for each person his family may consist of; and provided farther, that no teams be impressed to transport such wheat to mill more than ten miles distant from the place where the same may be impressed, any thing herein contained to the contrary notwithstanding.

"*Resolved*, That the above resolution shall continue in force until the tenth day of November next, and no longer.

"*Resolved*, That the above resolution be transmitted by express to the Commander-in-Chief and deputy commissaries-general in the several departments within this State, enclosed in a letter from the President."

A draft of a letter was then read and agreed to, and is in the words following, to wit:

"SIR—The Legislature of this State, exceedingly anxious that proper supplies of flour should be immediately provided for the use of the army, have, for that purpose, passed the enclosed resolutions, which they have directed me to transmit to you.

"I am with due respect sir,

"Your most obedt. servt.

"By order."

Ordered, That a copy of the letter be engrossed, and the President sign, and that the Secretaries prepare copies of the said resolutions to transmit to the Commander-in-Chief and to the deputy commissaries-general in the several departments in this State.

A letter from His Excellency the Governor was received, and is in the words following, to wit:

"GENT.—I wrote to the Legislature yesterday, giving them as particular an account of the loss of forts Montgomery and Clinton as I was then able; since which, I have the pleasure to inform you, that Genl. Clinton is got in, and his wound does not appear to be any ways dangerous. Many other of our officers have also arrived, who we had reason to believe, were made prisoners. Not more than eleven officers of Colo. Duboys's regiment are missing; two hundred of his men, including non-commissioned officers, have already joined me at this place; many more of them may be hourly expected, as we have heard of their escape. Many also of the two artillery companies, who were at those posts, have escaped and joined us, and more of them are hourly expected.

"The night I left Fort Montgomery, as my escape was effected by crossing the river, I waited on Genl. Putnam, at Continental village, in order to concert the proper measures to be pursued after this unfortunate event. The general officers there agreed in opinion with me, that the intention of the enemy, under Sir Henry Clinton, was to relieve Burgoyne's army, by effecting a junction with him; that as they had carried the forts, their next object was to pass the chevaux-de-frize, so proceed up the river. The posts at Peekskill and Sydnam's, by the loss of those which commanded the navigation, have lost their importance: it was therefore agreed that Genl. Putnam should retreat with his army to a very defensible pass in the mountains, about three miles from Fishkills, where he is, in the most speedy manner, to get in the eastern militia. I am to rally my forces near this place, call on all the militia of Orange and this end of Ulster; also to be furnished with a Continental regiment from Genl. Putnam's army to defend the chevaux-de-frise in the best manner I can; and that as soon as we find the enemy can raise or pass it, both armies to move northward, so as to keep pace with the enemy, covering those parts of the country, which will be their greatest object, until they shall think proper to land.

"As soon as ever I find the shipping are likely to pass the chevaux-de-frise, I will, by a forced march, endeavour to gain Kingston and cover that town. I shall have one brass twenty-four pounder and six smaller brass field pieces which will make a formidable train.

"I am persuaded if the militia will join me, (which I have reason to hope,) we can save the country, (a few scattering houses along the river excepted,) from destruction, and defeat the enemy's design in assisting their northern army.

"A deserter, who had been taken and forced to enlist in Col Fanning's regiment, came in to us yesterday from the enemy at Fort Montgomery: he deserted immediately after it was taken, and informs me that the enemy's loss was very great; that Genl. Sir Henry Clinton commanded in person; had three general officers with him; their force

was 5,000—three thousand of them British troops and Hessian yaugers, the remainder new levies—commanded by Brigr. Genl. Beverly Robertson and Colo. Fanning. I have only to add, that though the country esteem the posts lost, of the greatest importance, yet the manner in which they were defended, has given such general satisfaction as to elate and not depress their spirits.

"I am, with esteem, gentn.

"Your most obt. hble. servt.

"GEO. CLINTON.

"*N. B.* I am this moment informed by Genl. Putnam, that the eastern militia come in very fast; that he is confident that he will soon have ten thousand men with him; in which case he will keep posts up as far as Poughkeepsie and Rynbeck to head the enemy, should they push up the river. We shall save considerable of the stores at Fort Constitution, and perhaps some of the artillery, as the enemy had not got up that high yesterday."

DIE VENERIS, 10 HO. A. M.

October 10, 1777.

The Council met.

PRESENT—Mr. Floyd, *President pro tempore.*

Mr. Scott, Mr. Benson, Mr. Van Zandt, Mr. Landon, Mr. Harper, Mr. Webster, Mr. Yates, Mr. Dunscomb, Mr. Pawling, Mr. Bancker, Mr. Snyder, Mr. Schoonmaker, Mr. Smith, Mr. Brasher, Mr. Rowan, Mr. Clarke, Mr. Morris.

This Council being informed that a large quantity of saltpetre, belonging to the Continent, now lies at the landing of this town,

Ordered, That the committee of Kingston be requested to cause the same to be removed without delay to some place at convenient distance from the said landing, there to remain until further orders.

Resolved, That Colonels Pawling and Snyder be requested to issue the necessary orders to have all the male inhabitants in the districts of their respective regiments, of sixteen years and upwards, capable of bearing arms, immediately equipped and provided with arms and ammunition, and to appoint proper alarm posts and places of rendezvous for the respective companies to repair to in case of the approach of the enemy.

The committee to devise and report means for securing the records of this State, and the treasury, Secretaries of late Convention's papers, records of the county of Ulster, and the clothing store, reported the following resolutions, which were agreed to, to wit:

Resolved, That Gerard Bancker, Esqr. Vice-Treasurer of this State, do immediately cause all the moneys and papers belonging to the treasury of this State, to be put in chests or boxes and conveyed to Rochester; that he consult with Hendrickus Hornbeck, Johhannes G. Hardenbergh and Comfort Sands, Esquires, relative to proper places for securing the same; that he deposit the same in such places as the said three gentlemen, or any two of them, shall recommend; and as soon as he shall have deposited the said moneys and papers, then, from day to day, that he attend this Council, constantly provided with one thousand pounds, to answer such drafts as this Council shall from time to time order.

Resolved, That the said Gerard Bancker be authorized to impress teams (if necessary) to transport the said moneys and papers to Rochester.

Resolved, That Mr. John Henry, commissary of the clothing store in this place, do immediately cause all the clothing of this State, under his care, to be put into packages and conveyed to Rochester; that he consult with Hendrickus Hornbeck, Johannes G. Hardenbergh and Comfort Sands, Esquires, relative to proper places for securing the same, and that he deposite the same in such places as the said gentlemen, or any two of them, shall recommend.

Resolved, That Mr. Henry be authorized (if necessary) to impress teams to convey the said clothing to Rochester.

Resolved, That John McKesson and Robert Benson, Esquires, Secretaries to this Council, or one of them, do forthwith cause all the public papers now under their care, to be put into chests and packages and conveyed to Rochester; that they consult with Hendrickus Hornbeck, Johannes G. Hardenbergh and Comfort Sands, Esquires, relative to proper places for securing the same, and that the said John McKesson and Robert Benson do deposite the said papers as the said three gentlemen, or any two of them, shall recommend for that purpose.

Resolved, That the said John McKesson and Robert Benson, or either of them, be empowered to impress teams (if necessary) to convey the said papers to Rochester.

Resolved, That Abraham Hasbrouck, Joseph Gasharie, Dirck Wynkoop, Junr. Christopher Tappen and Samuel Bayard, Junior, Esquires, or any two of them, do forthwith cause all the public records which were transported to this place from the city of New-York, by virtue of a resolution of the Provincial Congress of this State, of the fourteenth day of June, one thousand seven hundred and seventy-six, to be put into proper packages or chests, and conveyed to Rochester, and deposited in such places as Hendrickus Hornbeck, Johannes G. Hardenbergh and Comfort Sands, Esquires, or any two of them, shall direct for that purpose, there to remain under the general direction and superintendence of the said last mentioned gentlemen, or any two of them, till the further order of this Council, or the future Legislature of this State.

Resolved, That the said Samuel Bayard do repair, with the said records, to Rochester, and remain with them till the further order of this Council, or future Legislature of this State.

Resolved, That Hendrickus Hornbeck, Johannes G. Hardenbergh and Comfort Sands, Esquires, or any two of them, be and hereby are requested and empowered to provide store rooms sufficient for the purpose of storing the records and public stores of this State, committed to their care.

Resolved, That Derick Wynkoop, Esqr. and Mr. Oke Suydam, cause the records of the county of Albany, the records of the county of Ulster, the records of the general committee of the county of Albany, and the records belonging to the office of Receiver-General of the Colony of New-York, be put into boxes or chests and conveyed to Rochester, and there deposited in such place as Hendrickus Hornbeck, Johannes G. Hardenbergh and Comfort Sands, or any two of them, shall direct.

Resolved, That the said Drick Wynkoop and Oke Suydam, be authorized to impress teams (if necessary) to convey the said records to Rochester.

Ordered, That the Treasurer of this State advance to Mr. Thomas Pettit the sum of twenty-five pounds, on account of his wages as sergeant-at-arms to the Honourable House of Assembly of this State.

Resolved, That Jonathan Landon and Egbert Benson, Esquires, be authorized to liberate Simon Cregier, now confined in jail in this place, upon such terms and conditions as they shall think proper.

Resolved, That Captain John Elmendorph do deliver the public stores in his custody, received from Peter T. Curtenius, Esquire, to Mr. John Henry, making an inventory of the said stores, and taking a receipt from Mr. Henry for the same, and that the said John Elmendorph file a copy of such inventory and receipt with Comfort Sands, Esqr. Auditor-General of this State.

Resolved, That Mr. Henry dispose of the stores which he shall so receive from Captain Elmendorph, in like manner as he is directed to dispose of the public clothing in his care, by resolutions of this Council of this day.

DIE SABBATI, 10 HO. A. M.
October 11, 1777.

The Council met.

PRESENT—Mr. Floyd, *President pro tempore.*

Mr. Landon, Mr. Scott, Mr. Bancker, Mr. Benson, Mr. Dunscomb, Mr. Yates, Mr. Harper, Mr. Pawling, Mr. Snyder, Mr. Van Zandt, Mr. Schoonmaker, Mr. Ebenezer Clarke, Mr. Rowan, Mr. Morris.

A letter from His Excellency Governor Clinton, dated yesterday, was received and read, to wit:

"HEAD-QUARTERS,
"*Mrs. Falls', 10th October*, 1777.

"GENTLEMEN—When I wrote you last, I was in great hopes of being able to have collected and embodied so many of the militia of this and Orange county, as with the two small Continental regiments now with me, and the reinforcements promised me by General Putnam, I should have such a formidable force as to enable me to prevent the enemy's penetrating the country, by throwing myself in between them and the most important places as they move up the river. I am very sorry to inform you I am greatly disappointed in my expectations, the militia do not join me as I could wish; they are well disposed, but anxious about the immediate safety of their respective families (who for many miles back are yet moving further from the river,) they come in the morning and return in the evening, and I never know when I have them or what my strength is. The reinforcement I had reason to expect, and was promised by Genl. Putnam, I am now informed by a letter from him, is only to consist of Brinckerhoof's regiment of militia, which I am sure will not pass the river, and indeed it is unreasonable to desire them. This being my situation, I thought it my duty to advise you of it, as my only hopes now are, that my force may not be known to the enemy, and that this may deter them from doing what, if they should attempt, I could not prevent.

"I have 7 field pieces with me; 5 of the heaviest I have ordered on the west side of the Walkill, towards Shawangunk, which is the route I mean to take to Kingston, the moment the enemy move up the river.

"I wish some small works were thrown up towards the Esopus Landing to cover it and secure the defiles leading to the town. Every man that can fire a gun should be immediately embodied and employed at those works. I rejoice with you on the most agreeable accounts from the northward, and thank you for the early communication of it. I know of no enemy on this side Butterhill clove. The 4 armed vessels that were near Pollepen's Island, fell down out of sight yesterday evening.

"I am, with much esteem,
"Your most obed. servt.
"GEO. CLINTON.

"*P. S.* Yesterday my guards took two persons from Fort Montgomery; one of them, Daniel Taylor, charged with a message to Genl. Howe, the contents enclosed in the letter to Genl. Gates, which I have left open for your perusul, then to be sealed, and forwarded by express. The enemy's own accounts are, that they lost 7 field officers and upwards of 350 rank and file killed; a young nobleman, a volunteer, mortally wounded; Colo. Bryn Livingston and Major Hammell Logan are prisoners, the last only wounded.

A draft of a letter to His Excellency the Governor, was then read and agreed to, and is in the words following, to wit:

"SIR—I am directed by the Council to inform your Excellency that we have ordered the militia in the vicinage of Shawangunck to repair to that place, and the remainder to rendezvous here. The reinforcement coming here on their way to you from the northward, we shall also stop until your further order.

"I am, with great esteem,
"Your Excellency's most obedt. hum. servt.
"By order.

Ordered, That a copy thereof be engrossed, and signed by the President, and transmitted to his Excellency the Governor.

Resolved, That the commissioners for conspiracies, &c. superintending the removal of the prisoners from this place to Hartford, in Connecticut, is authorized to discharge such individuals of the said prisoners as he shall think proper.

Resolved, That it is inexpedient that the said commissioner should exercise such discretionary power in future.

Resolved, That the said commissioner be authorized to discharge such of the said prisoners only as have been confined upon a general charge of disaffection.

Resolved, That the President be requested to confer with Mr. Bleecker, deputy commissary-general of purchases in the northern department, and request him to provide provisions for the militia to be stationed at this place.

Resolved, That if the said deputy commissary-general of purchases in the northern department shall refuse to provide such provisions, then the President and such members as he can collect, be requested to appoint a commissary for that purpose.

Ordered, That Captain Benson do forthwith cause all the cannon and firelocks with their apparatus, belonging to the armed sloop under his command, to be put on shore at Esopus Landing, and that he then repair with the said sloop to the city of Albany, taking on board such provisions as the assistant commissary-general shall think proper to put on board.

Ordered, That Captain Schoonmaker cause Cadwallader Colden, Esquire, Roeloff Elting and Angus McDonald, prisoners on parol at Hurley, to be immediately apprehended, and conveyed under a guard of three men to Mr. Cantine, one of the commissioners for conspiracies, who is hereby ordered to dispose of them with the other prisoners lately sent under his care to Connecticut, in such manner as may be necessary for their safe custody, and to prevent their returning to this State till further order.

Council adjourned till 3 o'clock this afternoon.

DIE SABATTI, 3 *ho. P. M. October* 11, 1777.

The Council met pursuant to adjournment.

PRESENT—Mr. Floyd, *President pro tempore.*

Mr. Scott, Mr. Bancker, Mr. Harper, Mr. Dunscomb, Mr. Yates, Mr. Webster.

The President acquainted the Council that pursuant to the order of this morning, he hath applied to Mr. Bleecker relative to supplying provisions for the militia to be stationed at this place; that Mr. Bleecker replied, that the deputy commissary-general had directed him to repair to Albany forthwith, and therefore could not possibly undertake that business.

Resolved, therefore, That Egbt. Dumont, Esqr. be, and is hereby appointed commissary, for the purpose of providing provisions for the troops to be employed at this place and in the neighbourhood thereof.

The committee of Kingston laid before the Council a letter from Philip Van Rensselaer, Esquire, commissary of stores in the northern department, dated at Albany, October the tenth, 1777, and directed to the said committee, informing them that there is a great scarcity of lead in that department, and requests of the said committee to send all that can be spared for the use of the army in the said department, which he engages to replace and bear all expenses thereon.

Ordered, That Colonel Lasher, or his deputy, deliver to the chairman of the committee of Kingston 600 of the bars of lead now in the military store at this place, and that the said chairman cause the same to be weighed and transported to Albany; to be there delivered to the said Peter Van Rensselaer, taking a receipt of the person by whom he shall send the same.

The Council adjourned to meet again this evening at Elmendorph Tavern.

DIE SABBATI, *P. M. October* 11, 1777.

Council met agreeable to adjournment at Elmendorph Tavern.

PRESENT—Pierre Van Cortlandt, Esqr. *President.*

Mr. Scott, Mr. Yates, Mr. Webster, Mr. Van Zandt, Mr. Brasher, Mr. Harper, Mr. Clarke, Mr. Dunscomb, Mr. Morris, Mr. Landon.

Resolved and Ordered, That Mr. Van Zandt, Mr. Harper and Mr. Dunscomb, or either of them, receive all the public stores that are or may be sent up to the care of the Council of Safety; that they have invoices made of the said stores, and have them stored and put in such places of safety, and so disposed of as they may think proper; and for that purpose, that they have power to impress horses, wagons, teams and carriages.

The House adjourned until 10 o'clock to-morrow morning.

DIE SOLIS, 10 HO. A. M.

October 12, 1777.

The Council met pursuant to adjournment.

PRESENT—Mr. Floyd, *President pro tempore.*

Mr. Scott, Mr. Yates, Mr. Webster, Mr. Van Zandt, Mr. Brasher, Mr. Harper, Mr. E. Clarke, Mr. Landon, Mr. Bancker, Mr. Pawling, Mr. Smith.

A letter from His Excellency the Governor, dated yesterday, with a copy of General Sir Henry Clinton's letter to General Burgoyne, taken from a spy who was taken, was read, and is in the words following, to wit:

"HEAD-QUARTERS,
"*Mrs. Falls', 11th October*, 1777.

"DEAR SIR—I am this moment favoured with your letter of yesterday, with a letter from Mr. Morris (by a second express,) containing the most agreeable accounts from the northward. By a copy of a letter from Genl. Sir Henry Clinton to Burgoyne now enclosed you, you will observe that Clinton is no way confident of their being able to form a junction of their armies, though there are nothing but bars between them. I wish nothing more than that Clinton may attempt it. I am persuaded that though the chance of war may at times occasion our prospect to appear gloomy when the enemy push hard, yet it is in that way their ruin must and will be effected; and I greatly hope that Clinton, not wise enough to improve by example, will, like Burgoyne, (flushed with his late success,) give stretch to his forces, or at least send parties out to try the affections of the inhabitants; in either case, I have not a doubt but he will meet with the same fate. Should this not be the case, I hope in a few days to have strength enough to be the assailant.

"We have nothing new here since I wrote you yesterday. I have sent a flag to Genl. Clinton for a list of our prisoners, &c. which is not yet returned.

"The letter from Clinton to Burgoyne, taken from Danl. Taylor, was enclosed in a small silver ball of an oval form, about the size of a fusee bullet, and shut with a screw in the middle. When he was taken and brought before me he swallowed it. I mistrusted this to be case from information I received, and administered him a very strong emetic, calculated to operate either way. This had the desired effect; it brought it from him; but though close watched, he had the art to conceal it a second time. I made him believe I had taken one Capt. Campbell, another messenger who he knew was out on the same business; that I learned from him all I wanted to know, and demanded the ball on pain of being hung up instantly and cut open to search for it. This brought it forth.

"I have been particular in this little matter that you may in future understand this new mode of conveyance.

"I am, in great haste, with high esteem,
"Your most obedt. servt.
"GEO. CLINTON."

"*Fort Montgomery, October* 8, 1777.

"*Nous y voici*, and nothing now between us but Gates. I sincerely hope this little success of ours may facilitate your operations. In answer to your letter of the 28th Sept. by C. C. I shall only say, I cannot presume to order or even advise, for reasons obvious. I heartily wish you success.

"Faithful yours,
("Copy.) "H. CLINTON.
"GEO. CLINTON."

A letter from Zephaniah Platt, Esquire, requesting the advice of the Council of Safety relative to removing the cattle and stock from Hudson's river, was read and filed.

A draft of a letter in answer thereto was read and agreed to, and is in the words following, to wit:

"SIR—This acknowledges the receipt of yours of the 12th instant, and I am directed by the Council to inform you that they are unable from their situation to give you any positive advice respecting the business you are upon, but must refer the execution of the resolutions to the direction of the committee, who will be better able to judge of the expediency of the measure. Enclosed is a copy of the advice received from the northern army; from authority, this morning, have reports that Burgoyne has made a stand about four miles above his former encampment; and that the two armies were engaged the whole of Friday, and some firing was heard on Saturday morning; the event we have not heard.

"I am, sir, your most obedt. servt.
"By order.

"ZEPHANIAH PLATT, Esqr."

Ordered, That a copy be engrossed and signed, and transmitted.

The Council adjourned until this afternoon 4 o'clock.

DIE SOLIS, 4 *ho. P. M. October* 12, 1777.

The Council met pursuant to adjournment.

PRESENT—Mr. Van Cortlandt, *President.*

Mr. Scott, Mr. Morris, Mr. Dunscomb, Mr. Harper, Mr. Smith, Mr. P. Livingston, Mr. Bancker, Mr Landon, Mr. Yates, Mr. Floyd.

Ordered, That Colonel Lasher, or his deputy, deliver to Mr. Landon two thousand musket cartridges for the use of Colonel Graham's regiment of militia.

A letter from His Excellency the Governor, relative to Cadwallader Colden, and is in the words following, to wit:

"GENTLEMEN—Since writing to you a few minutes ago, Mr. Cadwallader Colden, Junr. brought me the enclosed letter from his father. Colonel Colden has given his son great pain by coming home, especially at this time, and I believe the rest of his family; and at his request, I have by the advice of Mr. Wisner, and the field officers present, gave him a pass to go under the charge of his son, (who is to be answerable for his safe conduct) to you.

"I am your most obedt. servt.
"GEO. CLINTON.

"*Head-Quarters, 12th Octo.* 1777."

The Council proceeded to the reconsideration of the order of yesterday, relative to Cadwallader Colden, Roeloff Eltinge and Angus McDonald, and thereupon

Resolved, That the said Angus McDonald, being a prisoner of war, be confined upon his parole of honour at Hurley, to continue within one mile of the house of John Van Duersen, at Hurley aforesaid, under the same restrictions which he was laid under by the commissioners of conspiracies, and to remove to such place in future, and under such limits as the Governor or President of the Council of Safety shall direct.

Ordered, That the President take Mr. McDonald's parol accordingly.

Ordered, That the sheriff of Ulster county commit the said Roeloff Elting, to the jail of Kingston, till further orders.

Then the Council adjourned until ten A. M. to-morrow.

DIE LUNÆ, 10 HO. A. M.

October 13, 1777.

The Council met pursuant to adjournment.

PRESENT—Mr. Van Cortlandt, *President*.

Mr. Floyd, Mr. Yates, Mr. Webster, Mr. Van Zandt, Mr. Bancker, Mr. Pawling, Mr. Harper, Mr. Dunscomb, Mr. Smith, Mr. Morris.

A letter from His Excellency the Governor, dated yesterday the 12th instant, which was read and follows in the words, to wit:

"*Little-Britain, 3 miles from N. Windsor,*
" *12th October,* 1777.

"GENTLEMEN—Yesterday evening an armed schooner, two row galleys and a small brig passed the chevaux-de-frise, and are out of sight up the river this morning. They can have very few, if any, men on board, but they may be able, notwithstanding, to destroy effects which may be found in stores on the banks of the river. I therefore give you this early notice of this movement, that you may order out small parties to such places on the river at which rum or any public stores or other valuable effects are deposited. This, I am sure, will secure them. I would advise that proper care be taken to defend Kingston Landing. The few pieces of artillery you have, ought to be taken to the most suitable place for that purpose. Our galley moved up the river a few miles before the enemy.

"If we had round shot for our 24 pr. we might make this small fleet very uneasy in the river; but this we have not, nor do I know of any nearer than Albany, to which place I beg you would send for 100 of that size, and 200 for 4 prs. Three wagons will bring the whole. I wish to know how soon I may have them. They are essentially necessary; indeed, I may venture to say Sir James Wallace, who commands this musquito fleet, would not have ventured to pass the chevaux-de-frise had we been able to use our 24 pr. whose axletree was broken at the time, but is now repaired.

"I have no late accounts from the enemy below. Genl. Putnam just now writes me that he hears they have landed, and are about moving up, but don't mention on which side the river; his letter implies on this. I sent a party out yesterday, to look into forts Montgomery and Constitution; they are not yet returned. Capt. Wooster, who went in with a flag, returned yesterday evening. He was received on board a ship, about a mile this side Fort Montgomery. He thinks they are destroying the works there and at Fort Clinton, as from the smoke he judged them to be on fire. Genl. Vaughan commands there. Genl. Clinton was absent. Vaughan's aid-de-camp answered my letter by informing the prisoners were sent to N. York; that any thing I wanted to send them might be sent on board the advanced ship, and from thence would be forwarded to them, directed to Mr. George Clinton, Fishkill. No list sent me, but all Colo. Duboys's officers missing are prisoners, with Major Lush, Colos. Ellison and McLaughry. The latter has seven wounds, but none dangerous.

"I am distressed for want of horsemen. The duty is too hard for Captn. Woodhull's small company. Captn. Salsbury's company (a few to attend you as expresses) must immediately join me, for which please to give him an order, as I have not at present time to do it. The communication being now cut off between Genl. Putnam and me, before I had a proper supply of ammunition, I must beg you will forward me to the artillery park, at Shawangunk, 10,000 cartridges for small arms, of different sizes.

"I am this moment favoured with your letter of yesterday. The militia of Shawangunk are now with me. I have sent a proper guard there from another quarter, for the artillery; which, in my opinion, is much better than to leave men of the neighbourhood for that purpose. Col. Snyder's regiment may continue at Kingston, to throw up the necessary works to defend the landing and town. The rest of the reinforcement from the northward must immediately join me. Were the whole to continue with you, they would not be able to meet the enemy should they pass by and land near Kingston; and should they take their route by land, which is most likely, with my present force, which consists only of the militia of this quarter of the country, two small Continental regiments, and Colo. Southerland's regiment, consisting of 130 men. Out of these, I have strong guards along the river shore, who have orders to keep pace with the vessels now in the river, and throw themselves between them and Kingston Landing, should they go that high up. I am persuaded it is not only for the safety of Kingston, which I have much at heart, but for that of the country in general, that I should have my whole force collected to one point; as in that case I shall be able to meet and oppose the progress of the enemy, or at least throw myself in between the enemy and such places as may be an object with them to gain, which shall be my constant care to do.

" I am, with much esteem, gentlemen,
" Your most obedt. servant,
"GEO. CLINTON.

"P. S. From many circumstances, I am persuaded the enemy are about moving. Genl. Clinton's being out when my flag was down yesterday—this small fleet coming up the river, confirms me in this opinion; and I believe it will be by land, against some of our stores, and to ravage the country."

Thereupon,

Ordered, That Captain Henry Benson do forthwith proceed with a boat properly manned, to Albany, for the purpose of conveying from thence to this place the ordnance stores required by His Excellency the Governor, and that Captain Benson do make all possible despatch in this business.

Resolved, That Captain Benson be authorized, in case he should be obliged on his return to convey the said ordnance stores by land, to impress carriages and horses.

Ordered, That the President write to Philip Van Rensselaer, Esquire, or such other person as may have the charge of the ordnance stores in Albany, and request of him to deliver to Captain Benson the shot mentioned in His Excellency's said letter.

Ordered, That Colonel Lasher, or his deputy, do send out of the military stores belonging to this State, to the artillery park at Shawangunk, 10,000 musket cartridges, properly filled with powder and ball, agreeably to the request of His Excellency the Governor.

Ordered, That Mr. Sheriff Dumont be requested to cause those of the prisoners of the Fleet prison who were left sick, to be removed to Kingston jail, and that the jailer provide them with provisions as usual.

A letter from Zephaniah Platt, Esquire, dated yesterday, was read and filed.

Ordered, That the President write an answer to Mr. Platt's letter, thanking him for his exertions and vigilance, and informing him that this Council highly approve of his conduct.

A letter from Egbert Benson, Esqr. dated yesterday, relative to billeting the troops of lighthorse from Connecticut, was read.

An answer thereto was read and agreed to in the words following:

" *Ordered*, That Capt. Salsbury do, with his troop of lighthorse, immediately repair to His Excellency the Governor's Head-Quarters, near New-Windsor, leaving ten, besides those stationed between this place and Albany, for the purpose of express riders."

Ordered, That the Treasurer of this State advance to Capt. Salsbury, on account, the sum of five hundred dollars, to pay the contingent charges and the wages of his company of lighthorse.

Ordered, That Col. Lasher send to the artillery park, Shawangunck, one keg of flints, agreeably to His Excellency the Governor's request.

MONDAY AFTERNOON, *October* 13, 1777.

PRESENT—Col. Pierre Van Cortlandt, *Presidt.*

Mr. Scott, Mr. Webster, Mr. Smith, Mr. Yates, Mr. Dunscomb, Mr. E. Clark, Mr. Harper, Mr. Bancker, Mr. Floyd.

Resolved, That Col. Paulding be and is hereby authorized and directed forthwith to order out a captain's guard of the militia under his command, to guard the records and public stores at Rochester, agreeably to such directions as shall be given them by Hendrecus Hornbeck, Johannes G. Hardenburgh and Comfort Sands, Esqrs. or any two of them.

TUESDAY MORNING,

October 14, 1777.

PRESENT—Col. Pierre Van Cortlandt, *Prest.*

Mr. Van Zandt, Mr. Yates, Mr. Morris, Mr. Dunscomb, Mr. Floyd, Mr. Harper, Mr. Rowan, Mr. Bancker, Mr. Scott, Mr. Smith, Mr. Livingston.

A letter from Leonard Gansevoort, Esqr. dated this day, was received and read.

The same was immediately taken into consideration; and thereupon,

Resolved, That the said records and papers of the city and county of Albany be *not* delivered to Leonard Gansevoort, Esqr.

TUESDAY AFTERNOON, *October* 14, 1777.

PRESENT—Col. Pierre Van Cortlandt, *Prest.*

Mr. Scott, Mr. Paulding, Mr. Rowan, Mr. Bancker, Mr. Van Zandt, Mr Floyd, Mr. Livingston, Mr. Harper, Mr. Smith, Mr. Dunscomb, Mr. Webster, Mr. Clark.

The petition of Cadwallader Colden, praying to be pardoned for the breach of his parol, was read and ordered to lie on the table.

WEDNESDAY MORNING,

October 15, 1777.

PRESENT—Col. Pierre Van Cortlandt, *President.*

Mr. Floyd, Mr. Banker, Mr. Harper, Mr. Yates, Mr. Webster, Mr. Van Zandt, Mr. Dunscomb, Mr. Smith, Mr. Rowan.

Ordered, That the keeper of the jail of Kingston provide subsistence for such of the State prisoners in the said jail as are not able to provide for themselves, at the cheapest rate possible.

WEDNESDAY EVENING, *at C. Elmendorf's Tavern,*

October 15, 1777.

PRESENT—Col. Pierre Van Cortlandt, *President.*

Mr. Yates, Mr. Dunscomb, Mr. Floyd, Mr. Van Zandt, Mr. Parks, Mr. Scott, Mr. Webster, Mr. Rowan, Mr. Harper, Mr. Pawling, Mr. Morris.

Ordered, That Peter Roos and Jacob Elmendorf be authorized and required to procure, by impressment or otherwise, 24 wagons with horses, to remove the military stores.

A letter from John Barclay, Esqr. chairman of the committee of Albany was received and read, containing an account of the capitulation of Genl. Burgoyne and his army.

Ordered, That the Treasurer of this State pay to Bernardus Hallenbeeck, the bearer of the said letter, the sum of fifty dollars.

DIE SOLIS, 10 HO A. M.

October 19, 1777.

The Council met at the house of Andrew Oliver, at Marble Town.

PRESENT—Pierre Van Cortlandt, Esqr. *President.*

Mr. Floyd, Mr. Scott, Mr. Bancker, Mr Harper, Mr. Yates, Mr. Pawling, Mr. Snyder, Mr. Van Zandt, Mr, Wisner, Mr. Dunscomb.

Captain Ebenezer Woodhull, of the Orange county troop of horse, applied to the Council for a sum of money to be advanced to him on account for the subsistence of the horse of his troop now in service with the Continental troops under the command of His Excellency George Clinton.

Ordered, That the Vice-Treasurer of the State advance to Captain Ebenezer Woodhull, on account of the pay and subsistence due to his troop, the sum of five hundred dollars, taking his receipt for the same; and that he charge the said five hundred dollars to Continental account.

Ordered, That the committee of the town of Hurley, be authorized to take means and give order for furnishing subsistence to Mrs. Murray, and Tatje, the wife of Saxon, until they respectively are able to labour for their subsistence, or until further order.

Ordered, That Isaac Van Vleck be discharged from his parol or further confinement, and permitted to go at large.

Resolved and Ordered, That the mulatto man named James Sluyter, now in confinement, be and is hereby pardoned all his past offences and discharged.

Ordered, That John Van Wagenen, Junr. be brought to appear personally before this committee at ten o'clock to-morrow morning.

WHEREAS the late destruction of the town of Kingston, and a vast number of dwelling houses, improvements, grain and fodder, on each side of Hudson's river, by a cruel, inhuman and merciless enemy, has deprived many persons and families, the good subjects of this State, of shelter and subsistence for themselves and their cattle—calamities which, by the blessing of God on the fruits of this land, those who have not shared in so uncommon a misfortune, are enabled, in a great measure, to relieve.

Resolved, therefore, That it be, and it is hereby, most earnestly recommended to the several and respective general and district committees of the counties of Ulster, Dutchess, Orange and Westchester, to make or cause to be made a proper and proportionate distribution of the aforesaid distressed persons and families, and their cattle, to the end that they may all be provided for, as the circumstances of the country will permit; and it is hereby most strenuously urged on all those who have not shared with them in their afflictions, to receive the aforesaid persons, families and cattle, and furnish them with shelter and subsistence at a moderate rate.

The Council adjourned until to-morrow ten o'clock.

DIE LUNÆ, 10 HO. A. M.

October 20, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esquire, *President.*

Mr. Yates, Mr. Floyd, Mr. Scott, Mr. Snyder, Mr. Harper, Mr. Dunscomb, Mr. Bancker, Mr. Van Zandt, Mr. Wisner, Mr. Schoonmaker, Mr. Smith, Mr. E. Clarke.

Resolved and Ordered, That Richardson Thurman be, and is hereby, discharged from his parol, and permitted to return home, and to join the militia at his pleasure.

Resolved and Ordered, That His Excellency the Governor, at his discretion, enlist, or cause to be enlisted, into any of the Continental regiments raised in this State, any of the State prisoners now under guard, who may choose to enlist into the Continental service.

John Van Wagenen, Junr. being called before the Council and examined:

Resolved and Ordered, That he be discharged on his taking the oath of allegiance to this State, and on his father, Aert Van Wagenen, being bound for his good behaviour in the sum of five hundred pounds. The said John Van Wagenen, Junr. took the oath of allegiance, and gave security accordingly.

Ordered, That the Treasurer of this State advance to

John Holt, printer, the sum of one hundred pounds on account.

Resolved, That the Legislature of this State be, and the same hereby is, further adjourned till the first day of December next, unless sooner convened by His Excellency the Governor.

Ordered, That the President write a letter to His Excellency the Governor, requesting him to order three of the lighthorsemen to attend this Council at 9 o'clock to-morrow morning, and so on daily, to convey intelligence to the Governor, and such other matters of business as may be necessary.

Sheriff Dumond, attending at the door, was admitted; informs that Henry Planck, David Edwards and William Rustin have enlisted in Colonel Duboys's regiment in the Continental service.

WHEREAS the unexpected passage of the enemy through Hudson's river into the interior parts of this State, occasioned by the loss of Fort Montgomerie, has rendered it necessary further and more effectually to enforce the obedience of the militia to their commanding officers, as well on detachments as when the whole corps of any brigade, regiment or company is ordered out to actual service: AND WHEREAS before, as well as in the present emergency, many of the militia have been guilty of a breach of their duty: some, in not joining the detachment or corps to which they belonged, when called out on such services aforesaid; and others, in deserting from the same before the expiration of their respective times of services; for remedy thereof, it is therefore hereby

Resolved, That in future every officer, or private, belonging to any corps of militia of this State, who, having been duly warned into actual service as aforesaid, shall not attend at the time and place appointed for that purpose, according to the former regulations established for the militia of this State, or having so attended, shall depart without leave of his commanding officer, or shall in any wise, during the time of the continuance of the service for which he shall so have been called out, neglect or refuse to do his duty, or obey the orders of his superior officer, shall forfeit and pay for every such offence such sum of money, not exceeding the sum of thirty pounds, as his commanding officer shall, in his discretion, judge proper to be levied in the manner hereinafter directed, and equally divided among the several non-commissioned officers and privates of the detachment or corps to which the delinquent shall belong; and it is hereby further,

Resolved, That every such fine or forfeiture shall be levied on the goods and chattels of the offender, and that for want of such goods and chattels the offender shall be committed to the common jail of the county wherein the offence shall have been committed, and for want of such common jail, to the common jail of the county next adjacent. And for that purpose, it is further

Resolved, That such commanding officer as aforesaid shall issue his warrant in writing under his hand, directed to any sergeant under his command, and expressing therein the offence, and commanding him to make such levy as aforesaid; and for want of such goods and chattels, to apprehend the offender and convey him to such common jail as aforesaid; and that every keeper of such common jail shall and is hereby required to keep the offender in safe and secure custody in the same until he shall have paid such fine or forfeiture as aforesaid.

Council adjourned until ten o'clock to-morrow morning.

DIE MARTIS, 10 HO. A. M.

October 21, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *President*.

Mr. Scott, Mr. Yates, Mr. Harper, Mr. Bancker, Mr. Van Zandt, Mr. Dunscomb, Mr. Snyder, Mr. Floyd, Mr. E. Clarke, Mr. Webster.

A letter from Jacob Cuyler, Esqr. dated at Albany, the seventeenth instant, declining to furnish the troops under the command of His Excellency the Governor with provisions, as being out of his department, was read.

Ordered, That the President enclose it in a letter to His Excellency the Governor by one of the troopers.

WHEREAS this Council did lately order the sum of twenty-five pounds to be paid to Thomas Pettit on account: AND WHEREAS the said Thomas Pettit is lately gone with the enemy, leaving creditors to whom he is indebted; therefore,

Ordered, That the Treasurer do not pay or discharge the said order of twenty-five pounds on account.

Mr. Cadwallader Colden delivered a letter from His Excellency the Governor, informing the Council that Mr. Colden had applied to him, and that he referred his case to Council, which was read, and is filed.

Mr. Colden being admitted, declares himself bound by his former oaths of allegiance to the King of Great Britain; is willing to go to any place upon his parol, and would wish to be considered as a prisoner to the State. Mr. Colden withdrew. Mr. Colden being called in again, the Council informed him that they expect an explicit answer to the following question, to wit:

Do you, in the presence of this Council, acknowledge yourself to be a faithful and true subject to the free and independent State of New-York, or a subject of the crown of Great Britain?

Mr. Colden was then informed that it was the intent of the Council that he should answer freely, and that they meant not to put it in his power to say hereafter that his answer was the effect of compulsion; that if he should insist on being considered in a state of neutrality, no such state of neutrality can be known by this Council; and that by such declaration, he will be considered as a subject of the King of Great Britain.

Mr. Colden requested time to consider of the said question and deliver in his answer, which was accordingly given him until three o'clock this afternoon.

Mr. Colden having delivered in his answer to the said question, the same was read and filed, and is in the words following, to wit:

"I shall ever look upon myself to be a faithful and true subject to that State from which I receive protection; and though I am bound by my oath of allegiance to be a subject of the King of Great Britain, yet as that part of the Province of New-York in which I reside is now under an independent government, entitled the State of New-York, I do hereby promise to be a true and faithful subject to the government of the said State, so long as it shall remain an independent State and I reside therein.

"CADWALLADER COLDEN.

"*Marble Town, October 21st, 1777.*"

The same being read, Mr. Colden withdrew; and the same being again read,

Resolved, That Cadwallader Colden clearly appears, by his answer, to be a subject of the King of Great Britain, now at open war with the United States of North America.

The said Cadwallader Colden being called in and informed of the determination of the Council, requested to be suffered to continue in Ulster county on his parol.

Resolved, That he be kept a prisoner on his parol at the house of Jacobus Hardenbergh, in Hurly, and that he be confined to the said house of the said Jacobus Hardenbergh, and that part of the lot of ground thereunto belonging which lies on the north side of the public road.

The said Cadwallader Colden then gave and subscribed in writing a parol in the words following, to wit:

"I, Cadwallader Colden, admitted by the Council of Safety of the State of New-York, to be a prisoner to the said State, upon my parol of honour, at the house of Jacobus Hardenbergh, in Hurly, to be confined to the said house and that part of the lot of ground thereunto belong-

ing, which lies on the north side of the public road, do hereby solemnly engage, upon my parol of honour, to be a true prisoner to the said State, upon the terms and within the bounds above mentioned, and not to depart from the same on any pretence whatsoever, without the permission of the said Council of Safety for the said State; and that as such prisoner, I will deliver myself up to the said Council whenever required.

Dated this twenty-first day of October, 1777.

"CADWALLADER COLDEN."

The same engagement of the said Cadwallader Colden was filed.

Then the Council adjourned until to-morrow morning 10 o'clock.

DIE MERCURII, 10 HO. A. M.

October 22. 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *President.*

Mr. Scott, Mr. Phil. Livingston, Mr. Dunscomb, Mr. Bancker, Mr. Yates, Mr. Floyd, Mr. Webster, Mr. E. Clark, Mr. Harper.

Resolved, That Gouverneur Morris, Esqr. be and is hereby requested immediately to repair to Congress, to relieve Mr. Duane; and that Mr. Duane immediately on Mr. Morris's arrival at Congress, have leave of absence until further order.

Ordered, That certified copies of the aforegoing resolution, and of the last appointment of the Delegates in Congress to represent this State, be transmitted to the Delegates of this State now in Congress, in a letter, requesting them without delay to transmit copies thereof to Francis Lewis, Esqr. who is hereby requested without loss of time to take his seat in Congress.

A draft of a letter to the Delegates of this State in Congress, was read and approved of, and is in the words following, to wit:

"GENTLEMEN—This Council are extremely anxious to have a proper representation in Congress, and for that purpose have made the resolution and order, copies whereof are enclosed. The Council, fully sensible of the necessity of gratifying Mr. Duane with leave of absence, do not desire to delay his return after the arrival of Mr. Morris or Mr. Lewis at Congress; in which case we shall have a quorum of two, as the concurrent resolutions of the Senate and Assembly previous to the appointment of the Delegates, a copy whereof and of the resolutions are also inclosed, absolutely require.

"The loss of Fort Montgomerie, after a gallant defence, and for want of a proper and seasonable reinforcement, having opened Hudson's river to the enemy, they improved the opportunity, advanced up to Kingston, and on the sixteenth instant about two hours before the Governor's troops, who made a forced march, could arrive, gained the Landing; and faintly opposed by about 150 militia only, marched immediately up to Kingston, and reduced the whole town to ashes. You can easily conceive the consternation and dispersion of the inhabitants of the town and its environs on this lamentable occasion. Mr. Livingston's family being among the refugees, it will be impossible for him to attend Congress, until things wear a more settled aspect in this part of the country, and he shall have properly provided for his family. He assures the Council that as soon as this can be effected, he will repair to Congress to relieve Mr. Duer.

"The enemy now lie opposite to Sagherties. As their design to extricate General Burgoyne has proved abortive, we apprehend they are waiting for orders from General Clinton, at New-York, respecting their further destination. In their passage from Kingston to that place, they landed and destroyed several buildings and improvements; among others those of the chancellor and his mother. The Governor now lies with his little army at Hurly, waiting for expected succors from General Gates, and determined to move with the enemy in such manner as will best serve the purposes of annoying them, should they land, and covering the country against their further attempts. Notwithstanding the depredations of the enemy along the river, the total reduction of their northern army affords us great comfort. We wait impatiently for an account of something as decisive from the southward, which will most amply compensate for all our losses.

"We are gentlemen, &c.

"Honble. JAMES DUANE and WILLM. DUER,
Delegates, &c."

Ordered, That a copy thereof be engrossed, and signed by the President, and transmitted to the Delegates of this State in Congress.

The Council adjourned until to-morrow morning ten o'clock.

DIE JOVIS, 10 HO, A. M.

October 23, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *President.*

Mr. Scott, Mr. Dunscomb, Mr. Bancker, Mr. Yates, Mr. Floyd, Mr. Harper, Mr. Webster.

The Council took several matters into consideration, and after some time spent thereon until past one o'clock, Adjourned until 10 o'clock to-morrow morning.

DIE VENERIS, 10 HO. A. M.

October 24, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *President.*

Mr. Floyd, Mr. Bancker, Mr. Yates, Mr. Harper. Mr. Webster.

For the want of a quorum to proceed on business, adjourned until to-morrow morning ten o'clock.

DIE SABBATI, 10 HO. A. M.

October 25, 1777.

The Council met pursuant to adjournment.

PRESENT—William Floyd, Esqr. *President pro tem.*

Mr. Bancker, Mr. Yates, Mr. Pawling, Mr. Harper, Mr. Webster, Mr. Benson, Mr. Phil. Livingston, Mr. Williams.

On motion of Mr. Harper,

Ordered, That William Frazer, William Cameron, William Read and Robert Gilmore, be discharged from their confinement, and permitted to return to their respective places of abode.

Council adjourned until four o'clock this afternoon.

DIE SABBATI, 4 *ho. P. M. October* 25, 1777.

The Council met pursuant to adjournment.

PRESENT—William Floyd, Esqr. *President pro temp.*

Mr. Scott, Mr. Yates, Mr. Benson, Mr. Webster, Mr. Pauling Mr. Van Zandt, Mr. Bancker, Mr. Williams.

Ordered, That John Henry, the commissary of the clothing store, deliver to Captain Henry Benson, for the use of the six men belonging to the sloop Hudson, twelve shirts, six over jackets, six under waistcoats, six pair of trousers, twelve pair of hose, six pair of shoes and one pair of leather breeches, and to Captain Henry Benson for his own use, one over jacket, flannel for two under waistcoats, two pair of hose, two shirts and six yards of linen; that the said John Henry receive payment for the said articles and credit the State in his accounts for the amount thereof.

Ordered, That John Henry, the commissary of the

clothing store, deliver to Abraham B. Bancker, commissary of prisoners in this State, for his own use, three pair of hose, two pair of shoes, cloth for two waistcoats, one pair of overalls, and one pair of leather breeches; that the said John Henry receive payment for the said articles and credit the State in his accounts for the amount thereof.

Ordered, That John Henry, commissary of the clothing store, deliver to John J. Myers, for his own use, two shirts, cloth for a waistcoat, and two pair of hose, and that the commissary deliver to the said John J. Myers for his own use, a pair of leather breeches in exchange for a good pair which he may deliver in store; that the said John Henry receive payment for the said articles, and credit the State in his account for the amount thereof.

Ordered, That the Treasurer of this State advance to Mr. John Holt, printer, the further sum of one hundred pounds on account, and take his receipt for the same.

Resolved and Ordered, That Major Tappen do sell and dispose of the horses belonging to this State, and render an account of the expenses that may have accrued by their maintenance, and of the nett amount of the sales to this Council. And

Ordered, That Mr. John Holt, printer, be permitted to ride one of the said horses to Bethlehem and return to Marble Town with him before the sale of such horse.

A letter from his Excellency Governor Trumbull, dated at Hartford, the twentieth instant, relative to the prisoners lately sent from this State to the State of Connecticut, was read and filed.

A letter from Ezekiel Williams, commissary of prisoners for the State of Connecticut, bearing the same date and on the same subject, was also read, and is as follows, to wit:

"*Hartford, 20th October*, 1777.

"Hon. Sir—Considering the present difficult and distressed situation of your State, I have received and given my receipt to Peter Cantine, Esqr. for about 150 of your prisoners, in full dependence that you will supply me with flour for their use as soon as possible, or otherwise I see not but I must be reduced to the necessity of trusting them out at large, or letting them perish there, which latter, the feelings of humanity will not permit me to do. The commissary-general of prisoners having directed his agents here only to supply me with provisions for the Continental prisoners, and we have so many of them here, and I find myself much put to it to get a supply for those out of them. The meat, &c. will endeavour to supply. Clothing for many of them will be also absolutely necessary, which can not be supplied here. I pray also, as soon as possible some distinction may be made between such as may be with any degree of safety let out to labour for their own living, and such as may not; in the interim I will do the best in my power to provide for them, though I expect it will be with very great difficulty.

"I am, sir, with great respect and esteem,
"Your most obt. and very hum. serv.
"EZEKIEL WILLIAMS,
"*Commissary of Prisoners for the State of Connecticut.*

"To William Floyde, Esqr. Pres. &c."

Ordered, That the said letters remain for consideration.

A letter from Gouverneur Morris, Esqr. dated Friday morning the twenty-fourth instant, was read, and is in the words following, vizt:

"Sir—I am informed that I have the order of Council to attend Congress. From the best information I can collect, it is evident to me that I must expend more money than the public allowance amounts to. I do not mention this because the allowance is too small, but as I am confident that I shall not be able to return before the spring, and as I have already expended so much in the public service as to impair my finances, I shall be glad if the Council will order me an advance from the treasury.

"I have the honour to be, sir,
"Your most obedient humble servt.
"GOUVR. MORRIS.

"Friday morning."

Ordered, That the Treasurer of this State advance to Gouverveur Morris, Esqr. one of the delegates of this State to Congress, the sum of five hundred dollars on account, and take a receipt for the same.

Adjourned until Monday morning next, at ten o'clock.

DIE LUNÆ, 10 ho a. m.

October 27, 1777.

The Council met pursuant to adjournment.

Present—Mr. Scott, Mr. Yates, Mr. Harper, Mr. Pawling.

A letter from the committee of Albany, dated the twenty-fourth instant, was read and filed. They therein set forth that they are a considerable sum of money in debt, for the want of which their credit suffers much; and therefore request the Council to favour them with the loan of two thousand pounds.

There not being a sufficient number of members to make a Council, the members present desired Mr. Yates to write a letter to John Barclay, Esqr. chairman of the said committee, in answer to his; which was read, and is in the words following, to wit:

"Sir—Yours of the twenty-fourth instant, came to hand now, (at 4 o'clock, P. M.) when, with the rain which we have had all day, we have not a Board. The members present desire me to write you that the State treasury is very low, being at considerable advance to the Continental Congress; that you try whether you can not get the sum of two thousand pounds you ask, advanced to you by warrant from General Gates, out of the loan office; but at the same time advise you, for the interest of this State, as well as that of your county, by all means to get your accounts properly stated, so that they may be audited. Should you not succeed with General Gates, you will again write by the first opportunity, and we suppose that this Council will spare you as much as they can.

"We are, sir, your very hum. servt."

Adjourned until to-morrow morning 10 o'clock.

DIE MARTIS, 10 ho. a. m.

October 28, 1777.

The Council met pursuant to adjournment.

Present—Mr. Harper, Mr. Yates, Mr. Scott.

For the want of a sufficient number of members to proceed to business,

Adjourned until 10 o'clock to-morrow morning.

DIE MERCURII, 10 ho. a. m.

October 29, 1777.

Council met pursuant to adjournment.

Present—Mr. Yates, Mr. Harper, Mr. Bancker, Mr. Pawling, Mr. Van Zandt, Mr. Scott.

For want of the quorum to proceed on business,

Adjourned until to-morrow morning ten o'clock.

DIE JOVIS, 10 HO. A. M.

October 30, 1777.

The Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *President.*

Mr. Scott, Mr. Yates, Mr. Harper, Mr. Pawling, Mr. Van Zandt, Mr. Bancker, Mr. Williams.

For the want of another member of the quorum, the Council could not make a board.

Adjourned until to-morrow morning, ten o'clock.

DIE VENERIS, 10 HO. A. M.

October 31, 1777.

Council met pursuant to adjournment.

PRESENT—Pierre Van Cortlandt, Esqr. *President.*

Mr. Yates, Mr. Scott, Mr. Van Zandt, Mr. Bancker, Mr. Pawling, Mr. Harper, Mr. Williams.

For the want of another member of the quorum, the Council could not make a board.

Adjourned until Monday morning, ten o'clock.

DIE LUNÆ, 10 HO. A. M.

November 3, 1777.

Council met pursuant to adjournment.

PRESENT—Evert Bancker, Esqr. *President pro temp.*

Mr. Scott, Mr. Harper, Mr. Yates, Mr. Pawling, Mr. Van Zandt, Mr. Snyder.

A letter from the committee of Albany, dated the twenty-eighth ultimo, relative to the salt allotted to the county of Albany, was read and filed.

A letter from the Honourable John Sloss Hobart, dated at Sheron, the 30th ultimo, on the subject of salt belonging to this State, was read and filed.

The said letters being immediately taken into consideration, the Council came to the following order, to wit:

WHEREAS this Council has been informed that great delays have happened in the distribution of the salt which has been purchased by order of the late Council of Safety of this State, whereby the good people thereof are greatly aggrieved:

Ordered, therefore, That Peter R. Livingston and Abraham Lott, Esqrs, appointed agents for the purchase of the said salt, do cause the same to be lodged, without delay, at the proper places of distribution, and immediately thereafter do account with the Auditor-General for their aforesaid agency.

Ordered, That the Secretary send copies of the above order to Peter R. Livingston and Abraham P. Lott, Esquires, by express.

Ordered, That John Henry, commissary of the clothing store, deliver to Doctor James Oliver a pair of leather breeches, on his paying for the same, and that Mr. Henry credit the State for the amount.

A letter from His Excellency the Governor, dated at Fishkill, the thirty-first of October, was read, and is as follows to wit:

"*Fishkill, 31st October*, 1777, 4 *o'clock, P. M.*

"DEAR SIR—I am this moment favoured with yours of yesterday, with respect to Colo. Wemple's and Livingston's regiments. I can only say they were ordered down by Genl. Gates to reinforce the little army under my command, when the enemy's shipping were at Saagertys, to enable me to invest Fort Montgomery. The situation of the enemy is since very different; they have demolished and evacuated Fort Montgomery, and all the other posts in the Highlands, and have drawn their whole force to New-York, I suppose with intention to reinforce Howe, at Philadelphia. I have attended here since yesterday noon, in a council of war, to determine the measures most proper to be pursued by our army in this quarter; what they will be, is yet unknown. Genl. Gates considers the troops sent down on the west side of the river as belonging to his department. I cannot, therefore, discharge them; it is to him they must make their application for this purpose. If they join me they shall be well supplied with provisions, and every other necessary in my power to command. We shall either attempt New-York or reinforce Head-Quarters, and between this and 15th November, much may be done.

"I enclose you the last accounts from Head-Quarters, which, though not so well authenticated as I could wish, I believe to be true, and congratulate you on the important success. Excuse great haste.

"Yours, sincerely,

"GEO. CLINTON.

"Honble. PIERRE VAN CORTLANDT,
Marble Town."

The intelligence received from Head-Quarters referred to by His Excellency in his said letter, was also read and filed.

The Council adjourned until 10 o'clock to-morrow morning.

DIE MARTIS, 10 HO. A. M.

November 4, 1777.

The Council met pursuant to adjournment.

PRELENT—Evert Bancker, Esqr. *President pro tem.*

Mr. Pawling, Mr. Snyder, Mr. Van Zandt, Mr. Yates, Mr. Harper, Mr. Benson, Mr. Scott.

A draft of a letter to John Sloss Hobart, Esquire, in answer to his received yesterday, was read and agreed to, and is in the words following, vizt:

"*Marble Town, November* 4, 1777.

"SIR—Your favour of the thirtieth ultimo, was read and taken into consideration by the Council of Safety. I am directed, in their name, to thank you for your attention to the article of salt purchased for the use of the inhabitants of this State. Your messenger left this place before we could form a board; you will be pleased, therefore, to pay him, and charge the same to the State.

"By the enclosed order, you will see the steps taken relative to the conveyance of the salt to the places of distribution, and the Council request your further aid in forwarding that business.

"I am, with respect, sir,

"Your most, obedt. servt.

"To the Honble. JOHN SLOSS HOBART."

Ordered, That a copy thereof be engrossed, and signed by the President, and transmitted.

The petition of Philemon Halsted, offering to take an oath of allegiance to the State, and praying to be discharged, was read, and the said Philmon Halstead was called in and heard, and then withdrew.

Ordered, That Philemon Halstead be discharged on taking the oath of allegiance to this State; and he voluntarily took and subscribed the following oath, vizt:

"I, Philemon Halstead, of Rye, in Westchester county, yeoman, do solemnly swear, in the presence of Almighty God, that I will bear true faith and allegiance to the State of New-York, and in all things do my duty as a good and faithful subject of the said State, so help me God.

Ordered, That the Secretary give a certificate to the said Philemon Halsted, that he has taken the oath of allegiance to the State, is discharged and restored to the rights of a citizen.

Mr. Yates obtained leave of absence and departed.

Adjourned until this afternoon 4 o'clock.

DIE MARTIS, 4 *ho. P. M. November* 4, 1777.

The Council met pursuant to adjournment.

PRESENT—Evert Bancker, Esqr. *President pro tem.*

Mr. Pawling, Mr. Scott, Mr. Harper, Mr. Benson, Mr. Snyder, Mr. Van Zandt.

Resolved, That Gerard Bancker, Esqr. Vice-Treasurer of this State, discharge the principal and interest due on a bond for four hundred pounds from Mr. Snyder, Mr. Schoonmaker, Mr. Landon and Mr. Benson, members of this Council, to Abraham Hasbrouck, Esquire, moneys taken at interest for the use of the commissioners for conspiracies, &c. agreeably to a resolution of this board of the eighth of October last; that the said Vice-Treasurer charge the said commissioners with the principal sum, and this State with whatever he may pay for the interest due on the said bond.

Ordered, That Mr. John Henry, commissary of clothing, deliver to John Dogherty, a disabled soldier of Colonel Van Schaick's regiment in the Continental service, one waistcoat, two shirts, two pair of stockings, one pair of breeches, and one pair of shoes, the amount of which is to be repaid by the said Dougherty, out of his half pay from the Continent, whenever he shall receive the same.

WHEREAS Colonel Pawling by a resolution of this Board, passed the thirteenth ultimo, was authorized and directed to order a captain's guard, out of the militia under his command, to guard the records and public stores at Rochester, agreeably to such directions as were to be given them by Hendrickus Hornebeck, Johannes G. Hardenbergh and Comfort Sands, Esquires, or any two of them; and as it is the opinion of this Council that a subaltern officer's guard is sufficient for the purpose of guarding the said records: Therefore,

Resolved, That the said Colonel Pawling be, and he is hereby, authorized and directed forthwith to order out a guard consisting of one subaltern, one sergeant, one corporal, and twelve privates, of the militia under his command, to guard the said records and public stores at Rochester aforesaid, agreeably to such directions as shall be given by the said Hendrickus Hornbeck, Johannes G. Hardenbergh and Comfort Sands, Esquires, or any two of them.

Council adjourned until to-morrow morning ten o'clock.

DIE MERCURII, 10 HO. A. M.
November 5, 1777.

The Council met pursuant to adjournment.

PRESENT—Evert Bancker, Esqr. *President pro tem.*

Mr. Scott, Mr. Pawling, Mr. Snyder, Mr. Van Zandt, Mr. Benson Mr. Harper.

Copy of the draft of a letter from the Council of Safety of the State of New-York, to the Honourable Congress of the United American States, read and approved Novr. 5, 1777:

"SIR—The attention with which the Representatives of this distressed State have hitherto been honoured by Congress, induces us again to apply to them, and to suggest measures to their consideration, in which not only we but all America are materially interested.

"The loss of Fort Montgomery having admitted the enemy into the heart of our country, they have made it, as they have every other territory into which they have unexpectedly penetrated, the theatre of more than barbarian inhumanity. Encouraged by our forbearance, on their violation of those rules according to which civilized nations usually prosecute wars, they have set no bounds to their cruelty: mills, stores, barns, houses, churches, and defenceless towns, have been wrapped in one common flame; even inoffensive wretchedness and penury have not been sufficient to avert the violence of this savage and embittered enemy. The same brutal tragedy, blackened by the cool murders of unarmed men and helpless women and children, has been acted in the northern part of this State, where Genl. Burgoyne marked his retreat with devastation and fire. While, sir, the river affords a passage to the enemy, neither the bravery of our inhabitants, nor, what is more, the united arms of the whole Continent, can prevent their incursions. Whatever force we may be able to collect, a few hours will carry the foe beyond its reach, and, having perpetrated their barbarities, they will find a secure asylum in their ships.

"It is from Congress, sir, that we expect relief; the means are in their hands, if scruples, ill suited, in our opinion, to the circumstances of the country, and reprobated by the conduct of the enemy, do not prevent the use of them. Genl. Burgoyne and his army are valuable hostages for the future good behaviour of the enemy. Should we permit them to depart, may we not have reason to fear the imprecations of those who are already ruined by their ravages, and that we may be judged by the laudable jealousy of the tories, as accessory to future devastations by the British army? We know, sir, that treaties are sacred, and God forbid that those with whom we contend should, in violating them, be justified by our example. But they profess to believe that no faith is to be kept with those they call rebels; and we have little doubt that Genl. Burgoyne's army will consider themselves as released from their engagements, the moment they quit the port of Boston. For a breach of their convention they will not need pretences, if an open avowal of their principles should not render all pretences unnecessary, may they not allege that we have broke faith with them in the affair of the Cedars, and in the cartel for the exchange of prisoners? However this may be, shall we hesitate about the part that we ought to take, when, happily, they have furnished us with just and solid reasons for considering the convention as nullified by their own acts. All treaties, sir, ought by the contracting parties to be executed, not only in conformity to their letter, but according to their true spirit, intent and meaning; and more particularly so, those which are capitulatory in their nature, because being formed *inter arma*, they admit not of that technical precision which may be justly expected in all other treaties. The apparent scope of the convention in question, is to secure a free and undisturbed return of the British army, commanded by Genl. Burgoyne, to Great Britain and Canada, entirely disarmed and divested of every thing but their personal baggage and the means of carrying it; and incapacitated to serve in America during the present war. This appears most manifestly from the 2d and 6th articles; and hence it follows, that, according to good faith, all provisions, arms, artillery, stores and ensigns of war, tents, public equipage, and the military chest ought to have been delivered to us. But of all these, sir, what have we received? The arms delivered up are by no means proportioned to the number of men, of which their army consisted, without estimating spare arms, of which there is reason to believe they had a considerable quantity to put into the hands of the disaffected; and many of those given in were purposely injured. The standards and military chest are either destroyed or secreted; the tents burned, and only a part of those immense stores which they possessed, has come to our hands. Upon a more minute inquiry, more important infractions may probably be discovered. If the infractions we have alleged are not sufficient, in the judgment of Congress, to nullify the convention, we wish such inquiry may be made. In the mean while we would beg leave to ask, whether it is not highly imprudent to leave between 4 and 5,000 men, with their officers at their head, so near the seacoast as Boston, especially while the enemy's troops are at Rhode Island? or when, after embarkation, the prisoners of war may reinforce the enemy in New-York, or Pennsylvania, or, with new supplies, make fresh inroads into this, or some neighbouring State? We would, therefore, beg leave to hint that it may not be improper for Congress to retard the embarkation of General Burgoyne and his troops, until full

inquiry can be made whether he has honestly performed his part of the Convention.

"We have spoken, sir, with freedom; our all depends upon it. We must either bring the enemy to deal with us upon equal terms, or we must give up the contest. If we fetter ourselves with treaties, while they disregard all laws, both human and divine, we forge our own chains; and like the apocryphal hero, prefer death and the ruin of our country, to the breach of ceremonies, which our adversaries contemn. We have long borne with their inhumanity; our threats of retaliation have been hitherto considered as idle words; and it is time to give them efficacy; the juncture is favourable. A brave people should dare to execute what they have thought it just to threaten.

"We beg leave to inform Congress that this State is nearly exhausted; that it is equally drained of men and money; that our lands must shortly remain uncultivated, unless we can obtain more security in our possessions. As Congress can not but know that this State is in some measure the key of America, they will doubtless take the necessary steps for the defence of Hudson's river, and order proper works to be erected during the winter, under the direction of some able engineer, whom we will assist as far as our situation will admit; though we beg not to be considered as principals in the business. And as with the demolition of our fortresses in the Highlands, we have lost all our artillery which had been devoted to the defence of that important pass, we submit it to Congress whether they should not authorize us to repair the loss while the furnace at Salisbury is still in blast.

"We are, with great respect, &c.

"To Honble. JOHN HANCOCK, Esqr. Presidt. &c."

Ordered, That a copy of the same be signed by the President, and transmitted by express to our Delegates at Congress for their perusal, and that they be requested to seal and present it to the Honourable Congress as soon as possible.

Council adjourned until the afternoon 4 o'clock.

DIE MERCURII, 4 *ho. P. M. November* 5, 1777.

PRESENT—Evert Bancker, Esqr. *President pro temp.*

Mr. Scott, Mr. Pawling, Mr. Snyder, Mr. Van Zandt, Mr. Benson, Mr. Harper.

Ordered, That Cadwallader Colden, Esqr. and Roeloff Eltinge be forthwith conveyed by a sergeant to be appointed by Colonel Snyder, to the Nine Partners, in Dutchess county, and there delivered to the care of Messrs. Enos Thompson, Ezra Thompson and Matthias B. Miller, or any two of them, who are hereby requested to place them in the house of some well known friend to the American cause, and to see that they respectively comply with the terms of the parol, a copy whereof is herewith sent, until the further order of this Council, or of the Legislature of this State, and that the said three gentlemen, or any of them, take such parol from the said prisoners respectively.

Ordered, That Alexander Robertson, Charles Gray, Robert McGuire, Duncan Campbell and John Johnston, State prisoners now in confinement, be forthwith conveyed to the city of Albany and delivered to the committee of the said city, who are hereby requested to commit them to jail in safe custody, and support them at the public expense until the further order of this Council, or the Legislature of this State, unless the said committee shall, upon due inquiry into their cases, think proper otherwise to dispose of them; and that the said prisoners be conveyed in irons to Albany by water, and delivered to the said committee, under the care of Lieutenant Duboys, with a guard of four men.

Resolved, That Lieutenant Angus McDonald, a prisoner of war, be permitted to proceed to Albany under his present parol, and that he continue within the said city, on his said parol, until further order of this Council, or the Legislature of this State, unless he shall sooner be discharged from his said parol on exchange, by Major-General Gates, or the commanding officer of the Continental army in the northern department.

A letter from John Cruger, Esqr. dated at Kinderhook, November the second, 1777, directed to this Council, and requesting a pass for himself, his sister and family to return to the city of New-York, with his furniture, was read and filed.

Resolved, That this Council has no objection to his application, as far as concerns himself, his sister and furniture, his plate excepted, if he can obtain the necessary passes at the different posts between Kinderhook and the city of New-York: Provided always, that this resolve shall not be construed to exempt him from any forfeitures which he may incur by his voluntarily going over to the enemy.

Adjourned till to-morrow morning, 9 o'clock.

DIE JOVIS, 9 HO. A. M.

November 6, 1777.

The Council met pursuant to adjournment.

PRESENT—Mr. Van Zandt, Mr. Benson, Colo. Pawling, Colo. Snyder, Mr. Harper, Mr. Schoonmaker.

On account of the badness of the weather preventing the members from meeting to make a quorum,

Adjourned until to-morrow morning, 10 o'clock.

DIE VENERIS, 10 HO. A. M.

November 7, 1777.

The Council met pursuant to adjournment.

PRESENT—Evert Bancker, Esqr. *President pro temp.*

Mr. Scott, Mr. Snyder, Mr. Pawling, Mr. Benson, Mr. Harper, Mr. Van Zandt, Mr. Schoonmaker.

It being represented to this Council that Victor Bicker and Richard Ten Eyck, friends to the American cause, who, with their families, left the city of New-York on the approach of the enemy, and in consequence of the destruction of the town of Kingston are now destitute of habitations; and that the house of William Eligh, apprehended as an enemy to this State, is in some measure unoccupied,

Resolved, therefore, That the members of the committee of the town of Kingston, resident in the neighbourhood of Sagerties, or any two of them, be authorized and directed to place the said Victor Bicker and Richard Ten Eyck, with their respective families, into the said house; and in order to make room for the said Victor Bicker and Richard Ten Eyck, with their families, that the said members of committee do cause to be removed out of the said house, Rachel, the wife of Hezekiah Duboys, and all such other persons as are not properly of the family of the said William Eligh.

Resolved, That Benjamin Ackerly, appointed to convey Cadwallader Colden and Rolloff Elting to the Nine Partners, in Dutchess county, be allowed ten shillings per day besides his expenses.

Resolved, That the four men composing the guard to convey the prisoners from Marble Town to the city of Albany, pursuant to a resolution of this Council of the fifth instant, be allowed each (exclusive of their pay and provisions) a gratuity of four shillings per day while on that service; and that Lieutenant Duboys, commanding the said guard, be authorized to purchase provisions for himself, the said guard and prisoners, during their passage to and from Albany.

Mr. Sands, the Auditor-General of this State, having made application to this Council for directions concerning the pay of the militia, for services performed since he andited the last accounts for such services,

Resolved, That he refer the applications of those of the militia who have served in the northern Continental army, to the commander-in-chief in that department; that he lay the abstracts of pay and subsistence of those of the militia

who have been from time to time called out by His Excellency the Governor, before this Council, as soon as the same shall be received in the Auditor's office; and that he audit and pass all other accounts of the pay and subsistence of the militia, in the manner heretofore used.

This Council being desirous to know whether a further purchase of clothing for the use of the troops of this State, in the Continental service, be necessary,

Ordered, That Mr. Henry, one of the commissaries of clothing, do, without delay, lay before this Council a full and particular account, as well of the clothing he has received and issued, as of such clothing as still remains in store; and that in the mean time he issue no goods out of the said store, without the order of this Council.

The Council took into consideration the present state of the public records of this State, now at Warsing under care of a guard; and some of the members thinking Albany a proper place to which the said records should be removed,

A draft of a letter to John Barclay, Esqr. chairman of the committee at Albany, on that subject, was read and approved of, and is in the words following, to wit:

"Sir—Upon the enemy's penetrating the river, the public records of the State were removed from Kingston to Rochester in this county, where they now remain. We are obliged to maintain a guard to secure them; and in order to prevent this expense, the Council have it in contemplation to remove them to where they can be safely deposited without a special guard kept for the purpose, possibly Albany may be the place; however, previous to such positive order for their removal, we could wish to know if a proper place can be procured there. You will please, therefore, to make an inquiry, and inform us of the result by the bearer. It is the intention of the Council, that the records should be lodged on the lower story, and that Mr. Byard should also be accommodated with lodgings in the same house. A room of about fifteen feet square will easily contain them.

"I am, with respect, &c.

"To John Barclay, Esqr. Chairman of the Committee, Albany."

Ordered, That a copy thereof be signed by the President *pro tempore*, and transmitted.

Die Veneris, 4 *ho. P. M. November* 7, 1777.

The Council met pursuant to adjournment.

Present—Evert Bancker, Esqr. *President pro tempore.*

Mr. Scott, Mr. Benson, Mr. Van Zandt, Mr. Pawling, Mr. Snyder, Mr. Schoonmaker.

Comfort Sands, Esqr. the Auditor-General, exhibited an account of the pay due to him as Auditor-General, from the fourteenth day of July to the twenty-fourth day of October last, at three hundred pounds per annum, amounting to seventy-five pounds.

Ordered, That the Treasurer of this State pay unto Comfort Sands, Esqr. the sum of seventy-five pounds, in full for his salary from the fourteenth day of July to the twenty-fourth day of October last.

A letter from Abraham P. Lott, Esqr. dated at the Nine Partners, on the seventh instant, was read and filed. He thereby acknowledges the receipt of a copy of a resolution of the third instant, relative to salt. The difficulty of obtaining wagons prevents his forwarding the salt to the places ordered; that if the Council would favour him with a press warrant, it would be useful to forward that business.

Resolved, That Abraham P. Lott, Esqr. be and he is hereby authorized and empowered to impress wagons, carts, carriages, teams, horses and oxen for the purpose of transporting the salt, now at Old Canaan or other places, purchased by public order for the use of the inhabitants of this State, to such places in this State as the said salt was ordered to be transported to.

"Sir—This acknowledges the receipt of your Excellency's letter of yesterday; in answer to which I am directed to inform your Excellency that we shall immediately take the necessary measures to prevent the mischiefs arising from the present unlimited transportation of flour out of this State, and direct an inquiry to be made respecting Mr. Helme and his accomplices.

"We should have been happy had your Excellency's letter been more explicit with respect to the destination of the detachment of the army you wish to command. We are, therefore, under the necessity of leaving the matter discretionary with your Excellency, and although we concur with your Excellency with respect to an expedition to New-York in the first instance, yet, should it be determined upon, we would choose, for the most obvious reasons, that your Excellency should have a command in that undertaking.

"We have not, as yet, fixed either the time or place of the meeting of the Legislature, though imagine they will be obliged to meet at Albany, as no other place in the State can possibly contain the members. The matter will shortly be taken into consideration, and we shall immediately inform your Excellency of the result of our deliberations.

"We are with great respect,

"Your Excellency's, &c.

"His Excellency Govr. Clinton."

Ordered, That a copy thereof be signed by the President *pro tempore*, and transmitted to His Excellency.

Council adjourned until Monday next ten o'clock.

DIE LUNÆ, 10 ho. a. m. *November* 10, 1777.

Council met pursuant to adjournment.

Present—Evert Bancker, Esqr. *President pro tempore.*

Mr. Dunscomb, Mr. Harper, Mr. Scott.

Die Lunæ, 4 *ho. P. M. November*, 10, 1777.

Mr. Pawling and Mr. Snyder attending, the other gentlemen having adjourned until to-morrow morning ten o'clock.

DIE MARTIS, 10 ho. a. m. *November* 11, 1777.

The Council met pursuant to adjournment.

Present—Evert Bancker, Esqr. *President pro temp.*

Mr. Dunscomb, Mr. Pawling, Mr. Snyder, Mr. Scott, Mr. Harper, Mr. Van Zandt, Mr. Schoonmaker, Mr. Rowan.

Michael Devoo, of New-Paltz precinct, in Ulster county, who lately came from the city of New-York, was examined before the Council, (which examination was filed.) Nothing intentionally criminal in his conduct appearing from his confession, and the Council having no evidence against him,

Ordered, That the said Michael Devoo be and is hereby permitted to go to, and reside at home, he demeaning himself as becometh a good subject of this State.

A resolution, prohibiting the exportation of flour, meal or grain out of this State, was read and agreed to, and is as follows:

Whereas this Council has lately received sufficient information that for three months last past, vast quantities of flour have been purchased within this State and exported from and out of the same to Long-Island and elsewhere for the use of the enemy: And whereas it is the indis-

pensable duty of this Council not only to prevent such supplies which strengthen the common enemy against the United States of North America, and serves as a means of the most dangerous communication between them and our internal enemies, but also to secure the army of the United States and the inhabitants of this State from a want of the most necessary article of life. In order therefore in the most effectual manner to prevent an evil so pregnant with ruinous consequences to the American cause in general and this State in particular, it is hereby

Resolved, by this Council, That an embargo be, and is hereby, laid against the exportation of all flour, meal and grain whatsoever out of this State, in manner following, to wit: This Council doth hereby strictly forbid all persons whatsoever, as well inhabitants of this State as others, from and after the seventeenth day of this instant month of November, under any colour or pretence whatsoever, either directly or indirectly, to export or attempt to export, or cause or procure to be exported or attempted to be exported out of this State any flour, meal or grain of any kind or quality whatsoever, either by land or by water, without the special license of this Council, or Convention, or Legislature of this State, first had and obtained for the purpose; and that whoever shall offend herein, shall be guilty of felony; and being duly convicted thereof, shall suffer the pains of death and other forfeitures, as in cases of felony, without benefit of clergy. And in order to encourage a detection of offenders against the aforegoing resolution, be it, and it is hereby further

Resolved, That on every conviction, the informer shall be entitled to one moiety or half part of the flour, meal or grain seized and forfeited.

Ordered, That the several county and district committees, and all other civil officers within this State, be extremely vigilant in compelling a compliance with the aforegoing resolutions, and in detecting and securing all those who shall offend against the same, to the end that every such offender may be brought to condign punishment; and also in seizing and securing all flour, meal and grain which from and after this eleventh day of November, one thousand seven hundred and seventy-seven, shall be attempted to be exported out of this State without such special license as aforesaid.

Ordered, further, That the aforegoing resolutions and order, and also this order, be published in Samuel Loudon's weekly paper, called the New-York Packet; and also that the same be printed in handbills and despatched to the several counties in this State, to the end that all committees and other civil officers, and all other persons, may govern and conduct themselves accordingly.

A resolution directing the committees, at their discretion, to send the families of persons gone over to the enemy, after them, was read and agreed to, and is in the words following, to wit:

Whereas notwithstanding the gracious promises of pardon and invitations given to the rebellious subjects of this State who have joined the common enemy of the United States of North America, to return to their duty and the care of their families, many of them do still obstinately continue in their treason and rebellion against this State and in strengthening the hands of the common enemy against the United States of North America: And whereas, considering the destitute condition of the families of those traitors and rebels, they must necessarily become an intolerable burden to the districts in which they severally reside: It is therefore hereby

Resolved, That every district committee within this State shall be and is hereby authorized and empowered at their discretion to convey and transport the families of such traitors and rebels as aforesaid out of such parts of this State as are not within the power of the enemy, and to allow them to take with them such provisions, wearing apparel and bedding as such committee shall think proper, and no other property whatsoever; and that every such committee be and is hereby empowered to impress such horses, carriages and vessels as they shall think necessary for such conveyance and transportation as aforesaid.

Colonel Pawling laid before the Council a letter from His Excellency the Governor, dated at Newburgh, the sixth instant, whereby His Excellency desires Colonel Pawling and Colonel Snyder to furnish out of their regiments, twenty men to assist in raising the Continental row galley which lies sunk in the Roundout creek. Colonels Pawling and Snyder informed the Council that the militia men by them ordered out for the purpose, complain of the service as being not properly militia duty, unless they be allowed extra pay for their services.

The same being taken into consideration,

Resolved, That the militia employed in raising the said Continental row galley, ought to be allowed (exclusive of rations) eight shillings per day, and that the Colonels Pawling and Snyder, be authorized to promise them pay at that rate.

Then the Council adjourned until to-morrow morning ten o'clock.

DIE MERCURII, 10 ho. a. m.

November 12, 1777.

Council met pursuant to adjournment.

Present—Evert Bancker, Esqr. *President pro temp.*

Mr. Scott, Mr. Snyder, Mr. Pawling, Mr. Benson, Mr. Van Zandt, Mr. Harper, Mr. Dunscomb, Mr. Walter Livingston, Mr. Schoonmaker, Mr. Philip Livingston, Mr. Rowan.

Ordered, That the Secretary write to Colonel Lasher and request his attendance without delay to the collecting and placing the military stores of this State (which were removed from Kingston) in proper places of safety.

Ordered, That Mr. Scott, Mr. Harper and Mr. Pawling be a committee to devise and report means for the further introduction of salt into this State for the use of the inhabitants thereof.

Council adjourned until 4 o'clock this afternoon.

Die Mercurii, 4 *ho. P. M. November* 12, 1777.

The Council met pursuant to adjournment.

Present—Evert Bancker, Esqr. *President pro tempore.*

Mr. Scott, Mr. Snyder, Mr. Pawling, Mr. Benson, Mr. Van Zandt, Mr. Harper, Mr. Dunscomb, Mr. Walter Livingston, Mr. Schoonmaker, Mr. Philip Livingston, Mr. Rowan.

Walter Livingston, Esq. informed the Council that John Patterson, Esquire, late deputy collector of Philadelphia, and now a prisoner on his parol, in the manor of Livingston, requests permission to go to Great Britain to transact his private business on his parol, not to give any information that may be prejudicial to, and not to take up arms against the United States, during the present war; and to surrender himself again, whenever required by the executive power of this State. Mr. Livingston likewise informed the Council of Mr. Patterson's particular reasons for making this request. The same being taken into consideration,

Resolved, That John Patterson, Esquire, be not permitted to repair to Great Britain, upon the terms proposed by him.

Resolved, notwithstanding, That this Council do consent that the said John Patterson be exchanged for Major Hatfield, Captain Abraham Van Dyck, William Miller of Westchester county, Garret Van Wagener and Wynant Van Zandt of the city of New-York, or either of them now in the power of the enemy.

Resolved, That John Patterson, Esqr. be permitted to write to his friends in New-York, to procure an exchange, and transmit his letters to this Council, to be forwarded to New-York, by a flag.

Resolved, That if such exchange can be effected, that the said John Patterson be permitted to take with him his family, (male servants excepted,) and effects.

Upon the application of Joseph Cox, a refugee, from the city of New-York,

Resolved, That Colonel Abraham Van Alstyne, Colonel Cornelius Humfrey, and Major Isaac Goes, or any two of them, be and hereby are authorized to place the said Joseph Cox and his family in the house of such person, within the district of Kinderhook, now with the enemy, as they shall think proper; provided, nevertheless, that sufficient room be left for the reasonable accommodation of the families of the persons so gone over to the enemy as aforesaid: And

Resolved, further, That said Abraham Van Alstyne, Cornelius Humfrey and Isaac Goes, or any two of them be and they are hereby authorized and empowered in like manner to place the families of any other refugees who are friends to the United States, in the houses of any other persons within the said district, and gone to the enemy, as they may think proper.

A letter from William Smith, Esqr. requesting permission to go to the city of New-York, was read, and is in the words following, to wit:

"*Manor of Livingston, 9th Novr. 1777.*

"GENTLEMEN—I have hitherto born up against the misfortune of being a prisoner in my native country, from a consciousness that I have ever sought her welfare, and a persuasion that the measure owed its origin not to any suspicion of my enmity to her interests, but to views of general expediency. Being an enemy to no man, I have a pleasure in believing no man to be mine.

"But whatsoever was the motive to it, my imprisonment is painful. It traverses my private interest, and does violence to my humanity, and tenderest offices of affection. I wrote therefore lately to Governor Clinton, to prevent my being longer separated from my estate at Haverstraw, where I have relations who are great sufferers, and my presence is wanting for their succour, and the recovery, if possible, of my plundered effects.

"But I have a further wish, and that is, to repair to the capital, not only to answer a call upon me for aid from my daughter in England, but to gratify my own desire, to contribute towards abating the acrimony of the present war, and exciting to overtures of peace.

"I flatter myself, that though you may perhaps suspect the event will be a lesson to my vanity, you will nevertheless perceive the impossibility that any efforts of that kind will be injurious to the public.

"Except furniture, my servants and such conveniences as I shall want for my family in town, I leave every thing else in the power of my country. All I have upon earth is here, as a pledge for my attachment to her interest. If she is happy, I am satisfied. I must share her fortunes. If she is ruined, so am I.

"I am gentlemen,

"Your most obed. servt.

"WM. SMITH."

Resolved, That William Smith's request be not granted.

A letter from Peter R. Livingston, Esqr. dated the tenth instant, was read, and follows, to wit:

"HERMITAGE, MANOR LIVINGSTON,
"*10th November*, 1777.

"GENTM.—I had the honour of your favour of the third inst. ordering the salt in my care to the places of distribution; being the first order I have received by which I could be justified in sending forward the salt, as your order of the 27th August empowered me only to send it to Philip Spencer's and Major Jansen's, where 1,500 or 1,600 bushels has been these weeks past. I immediately ordered out wagons and teams to bring it down to our landing, where I expect it will be in a few days; I acquainted the committee of this county therewith, and a sloop is just arrived to take it in: shall do all in my power to send up the 1,100 bushels for this county, and the 600 for Tryon, being 1,700 by this conveyance. There are still between 2 and 300 bushels on the road between this and Boston, some in the Green woods; shall do my utmost to hurry it on, as I expect soon to be in that quarter. My account is ready for auditing, but wait for the remainder of the salt to come in.

"I remain with great respect, gentlemen,

"Your very humb. servant,

"PETER R. LIVINGSTON."

Resolved, That four hundred bushels of the salt purchased by Peter R. Livingston, Esqr. upon the public account, be allowed to the inhabitants of the county of Charlotte, if so much shall remain after supplying the quantity allotted for the counties of Albany and Tryon. That the committee of Charlotte county cause the said salt to be sold and distributed, and that the same be paid and accounted for to the Legislature of this State in like manner as the salt allowed to other counties of this State is directed to be by resolutions of the Council of Safety for that purpose, passed the eighth day of September last. And

Ordered, That Peter R. Livingston, Esqr. deliver to the said committee or their order, or to John Rowan, Esqr. for their disposal on the arrival thereof, the salt so allotted to the said county as aforesaid.

Resolved and Ordered, That James McNeish and John Neisbett, at White creek in Charlotte county, be, and are hereby appointed commissioners, together with Aaron Fuller of Skeensborough, in the said county, for selling and disposing of the effects of such disaffected persons as have gone from the said county and joined the enemy; that the said commissioners be, and are hereby vested with the like powers and authorities, governed by the regulations prescribed by the several resolutions of Convention and Council of Safety for the commissioners in the other counties of this State.

Council adjourned until ten o'clock to-morrow morning.

DIE JOVIS, 10 HO. A. M.

November 13, 1777.

Council met pursuant to adjournment.

PRESENT—Evert Bancker, Esqr. *President pro tempore.*

Mr. Pawling, Mr. Dunscomb, Mr Harper, Mr. Benson, Mr. Snyder, Mr. Van Zandt, Mr. Scott, Mr. W. Livingston, Mr. Rowan.

Zacharias Gernwyck, from the committee in the eastern part of Claverack district, attending, was admitted, and delivered to the Council a copy of certain resolutions of the said committee, which were read, and follows, vizt:

"*In Committee in the eastern part of Claverack District, November* 10, 1777.

"*Members present*—Stephen Kinne, Chairman; Cristjaan Reah, Johannis Hageboom, Jur. Thomas McKinstry, Stephen Graves, Zacharias Gernryck.

"Thomas Storm being ordered to appear before this committee, accordingly appeared. Being requested by the chairman to give information under oath, concerning public matters, which he refused. As it was doubtful to this committee, and had been for some time, whether or no the said Thos. Storm was a faithful subject to the State and the measures pursued for the public safety, he was requested to take an oath of allegiance to the State of New-York, which he also refused, with questioning the authority of this committee as to their present appointment, &c. &c.

"*Resolved*, That Mr. Zacharias Gernwyck, one of the members of this committee, being ordered to take the said Thomas Storm into custody and convey him to the Honourable the Council of Safety for the State of New-York, together with a copy of these proceedings, in order for their disposal of the said Thomas Storm, &c. &c.

"The committee then proceeded taking into consideration the losses this State sustain, occasioned through

neglect of the commissioners of sequestration to act in this part of the county of Albany, notwithstanding the repeated requisitions of this committee, as it was well known to them that many of the inhabitants of their district as well as in the neighbouring districts, have absconded and joined our inveterate enemies. So clearly is this proved, as that numbers of them have been seen in the army under the command of Lieut. General Burgoyne, at the time when he, with his whole army, in consequence of a treaty, laid down their arms and surrendered themselves to General Gates at Saratoga. Some of those estates are daily wasting and going to destruction, while others are taken into custody and carried off by evil designed persons and made use of for many bad purposes, against the United States of America, and by such persons whose conduct does not appear to be better than those who had gone off and joined our enemies, &c.

"It being therefore

"*Resolved*, That this committee send an express immediately to the Council of Safety in order to acquaint them of the commissioners' neglect to act in their appointment in this part of the county, and that some effects are already taken and secured by order of this committee; some in the west part of this district have been taken and secured, and still remain in custody so long ago as last spring. This committee is of opinion that unless they proceed immediately to seize and take into custody, the personal property of all such persons as have absconded and joined our enemies, that many of the movable effects of such persons will be conveyed and concealed in such places where they cannot easily be found, if ever, which will be an undoubted loss to this State. This committee being sensible at the same time that they are not properly authorized for the above purpose, nevertheless, taking into consideration the necessity of acting in this case for the public interest of the State, and at the same time to prevent such fraudulent proceedings; this committee do also further resolve that they will be ready at any time hereafter to render an account of their proceedings herein, together with the goods so taken, or proceeds in money, if sold, whenever thereunto requested by the Council of Safety, Legislature of this State, or the commissioners of sequestration, when properly qualified for that purpose, agreeably to the several resolutions of the Convention of the State of New-York, or any other person or persons who shall be empowered by the Council of Safety for that purpose.

"By order of Committee,
"STEPHEN KINNE, *Chairman*."

The said Thomas Storm being called in and heard, and being charged by the said Zacharias Gernryck with very contumelious and affrontive treatment to the whole committee of Claverack, acknowledged the several particulars as charged against him, and also his having refused to give any information on oath to the said committee, or to take an oath of allegiance to this State,

Resolved and Ordered, That the said Thomas Storm pay to said Zacharias Gernryck five pounds, for his trouble and disbursements in conducting the said Thomas to this place and returning home; and that the said Thomas continue at this place on his parol, not to depart until further order.

Which parole he immediately gave.

The Council then came to a farther determination on the said resolutions of the committee of Claverack, in the words following, to wit:

Sundry resolutions of the eastern part of the district of Claverack, in the county of Albany, of the 10th instant, was laid before the Council, whereby it appears, that in consequence of the commissioners of sequestration not having taken upon them the execution of their office, the said committee had seized and secured the effects, in their district, of several persons now with the enemy.

Resolved, That this Council do highly approve of the conduct of the said committee, and do hereby confirm the proceedings of the said committee in seizing and securing such effects.

Resolved, That the said committee, as to the estates and effects within their district, of persons voluntarily gone over to the enemy, be vested with all the powers and authorities granted to commissioners of sequestration, by the resolutions of any Convention or Council of Safety of this State.

Thomas Collins, at his request, was admitted to take an oath of allegiance to the State, which he did in the words following, to wit:

"I, Thomas Collins, of New Perth district, in Charlotte county, yeoman, do solemnly swear and declare, in the presence of Almighty God, that I will bear true faith and allegiance to the State of New-York, and that I will, in all things, do my duty as a good and faithful subject of the said State ought to do, so help me God. Dated this 14th day of ."

Ordered, That Mr. McKesson, as one of the Secretaries, give to the said Thomas Collins a certificate of his having taken the oath of allegiance, and a discharge, to remain at home in peace, he behaving as becometh a good subject of this State.

Permission is given by the Council to Elizabeth Pettit, the wife of Thomas Pettit, with her four children and two grand children, to proceed to His Excellency the Governor, in order to obtain his permission to go to New-York, and to take with her her negro woman slave.

Council adjourned till 4 this afternoon.

DIE JOVIS, 4 *ho. P. M. November* 13, 1777.

The Council met.

PRESENT—Evert Bancker, Esqr. *President pro tempore.*

Mr. Scott, Mr. Pawling, Mr. Dunscomb, Mr. Harper, Mr. Snyder, Mr. Benson, Mr. Schoonmaker, Mr. Rowan.

DIE VENERIS, 10 HO. A. M.

November 14, 1777.

The Council met pursuant to adjournment.

PRESENT—Evert Bancker, Esqr. *President pro tempore.*

Mr. Pawling, Mr. Snyder, Mr. Scott, Mr. Harper, Mr. Dunscomb, Mr. Benson—*Quorum.*

The resolutions of Congress of the thirty-first of July last, relative to the recruiting of the Continental regiments raised in this State, were again read.

The resolutions of Congress of the seventeenth of October last, on the same subject, were again read.

The resolutions of Congress of the twenty-eighth of August last, relative to the people called Quakers, were again read.

The resolution of Congress of the third of September last, for procuring military stores and necessaries for the use of the militia of the State, was again read.

The resolution of Congress of the fourteenth day of October last, relative to prizes, was again read.

Ordered, That copies of all the said resolutions be delivered to Mr. Scott and Mr. Benson, who are hereby appointed a committee to consider and report thereon.

WHEREAS, by reason of the absence of the family of Peter Pra Van Zandt, Esqr. one of the members of this Council, and his constant attendance at the same, he lost the opportunity of getting his proportion of the public salt lately distributed at Kingston: AND WHEREAS his necessary attendance at this Council will render it impossible for him to procure his proportion out of the salt to be distributed in the lower part of the county of Ulster, for want of which his numerous family of sixteen persons will be greatly distressed,

Resolved, therefore, That William Radlif, one of the commissioners, furnish the said Peter Pra Van Zandt,

Esquire, with his proportion of salt, agreeably to his certificate.

Adjourned until this afternoon 4 o'clock.

DIE VENERIS, 4 *ho. P. M. November* 14, 1777.

The Council met pursuant to adjournment.

PRESENT—Evert Bancker, Esqr. *President pro tem.*

Mr. Pawling, Mr. Snyder, Mr. Scott, Mr. Harper, Mr. Dunscomb, Mr. Benson—*Quorum.*

Ordered, That the Secretary compensate Mr. Oliver for the use made of his room by this Council, not exceeding one dollar per day.

Ordered, That Samuel Dodge, Esquire, chairman of the county committee of Dutchess county, do transmit copies of the resolutions of this Council of the eleventh instant, prohibiting the exportation of flour, to the chairmen of the committees of the respective districts in Dutchess county, by express, and transmit his account of disbursements for that service to the Auditor-General, to be audited for payment, and that the State will defray the necessary expense of sending such expresses.

Resolved, That this Council be and is hereby adjourned to meet at the town of Hurly, on Monday morning next, at ten o'clock.

DIE MARTIS, 10 HO. A. M.
November 18, 1777.

The Council met pursuant to adjournment.

PRESENT—Evert Bancker, Esqr. *President pro temp.*

Mr. Scott, Mr. Benson, Mr. Pawling, Mr. Dunscomb, Mr. Snyder, Mr. Harper—*Quorum.*

Mr. Ph. Livingston, Mr. Walter Livingston, Mr. Lott, Mr. Clarke.

A letter from Abraham Legget, Esqr. chairman of the county committee of Westchester county, dated the 12th inst. was read, and is in the words following, to wit:

"IN COMMITTEE for Westchester county.
"*Bedford, 12th November,* 1777.

"*To the Honble. the Council of Safety for the State of New-York.*

"GENTLEMEN—The good inhabitants of this county have been informed by the resolutions of Convention, that there was salt procured to be distributed among the good inhabitants thereof. This committee have applied to Mr. James Reed, who was appointed a commissioner to deliver said salt to the different committees in this State, and we find the salt can not be procured at present. We have appointed Mr. Nathaniel Bouton to wait on your Honourable Board to see by what means the salt can be had, as the inhabitants of this county are in a distressed situation for want of that article. We hope your Honourable Board will order said salt to Mr. Reed's store as soon as may be, or give such orders as this committee may receive the proportion for this county at Simsbury, where we understand the salt now is.

"By order of committee,
"ABM. LEGGETT, *Chairn.*"

WHEREAS Abraham P. Lott, Esquire, one of the agents to purchase salt for the use of this State, having represented to this Council, that there is a considerable quantity of the said salt now at Simsbury and other places to the eastward of the Green woods, and that he can not possibly procure teams to transport the same to the several places within this State, where the same is directed to be deposited: AND WHEREAS the committee of the county of Westchester having, by their petition to this Council, requested to receive at Simsbury the quantity of the salt allotted to the said county, to be distributed and paid for, agreeably to the resolutions of the late Council of Safety of this State, passed the eighth day of September last:

Resolved, That the said Abraham P. Lott, Esquire, be authorized and required to deliver five hundred bushels of the salt, (being the quantity allotted to the said county) purchased by him for the use of this State, and now lodged to the eastward of the Green woods, to the order of the chairman of the committee of the county of Westchester.

Resolved, That this State will defray the expense of transporting the said salt from the several places where the same shall be delivered to the said chairman or his order, to the two several places of distribution in the said county; and that the said chairman produce his account, with his vouchers of such expense, to the Auditor-General of this State, who is directed to audit the same for payment.

Mr. Abraham Hasbrouck, Junr. of Ulster county, having applied for a permit to transport four casks of flour to some of the eastern States, in order to procure salt, was called in, and took an oath in the words following, to wit:

"I, Abraham Hasbrouck, Junr. of Ulster county, in the State of New-York, do solemnly swear, in the presence of Almighty God, that I will use my utmost endeavours to purchase salt for the amount or value of such quantity of flour as I may be permitted to transport out of this State to any of the eastern States.

"Dated this eighteenth day of November, 1777.
"A. HASBROUCK, JUNR."

Mr. Abraham Hasbrouck, Junr. of Ulster county, in the State of New-York, having made oath before this Council that he will use his utmost endeavours to purchase salt for the amount or value of such quantity of flour as he may be permitted to transport out of this State to any of the eastern States:

Resolved and Ordered, That the said Abraham Hasbrouck, Junr. be and is hereby permitted to transport four casks of flour to any of the eastern United States, to purchase or procure salt; and that he report to this Council the quantity of salt he shall have brought into this State, in return for the said flour.

Joseph Bean, of Rockingham county, in the State of New-Hampshire, applied for leave to export three thousand six hundred weight of flour for fifty bushels of salt, which he made oath that he had brought into this State.

Thereupon, a permit was given to him in the words following, vizt:

"The bearer, Mr. Joseph Bean, of Rockingham, in the State of New-Hampshire, innholder, having made oath before this Council, that he has brought into this State fifty bushels of salt, part of which is sold and delivered to the inhabitants of this State, in Dutchess county, and that he will dispose of the residue thereof to the inhabitants of this State:

Resolved and Ordered, That the said Joseph Bean be and is hereby permitted to transport three thousand six hundred weight of flour, in two teams, out of this State to any of the eastern United States."

The case and application of John Patterson, Esqr. was taken in consideration, and the sentiments of the members being given, the further consideration thereof was postponed until this afternoon.

Adjourned until 3 ho. P. M.

DIE MARTIS, 3 *ho. P. M. November* 18, 1777.

The Council met pursuant to adjournment.

PRESENT—Evert Bancker, Esqr. *President pro tem.*

Mr. Scott, Mr. Benson, Mr. Pawling, Mr. Dunscomb, Mr. Snyder, Mr. Harper.—*Quorum.*

Mr. Phil. Livingston, Mr. Walter Livingston, Mr. Lott, Mr. Clarke.

Mr. Walter Livingston, in behalf of John Patterson, Esqr. represented to the Council that it was very improbable Mr. Patterson would succeed in his application by letter for an exchange, though he doubtless would effect it, if he was indulged in going to New-York in person.

That Mr. Patterson was willing to engage on his parol of honour, not to give any advice or information, any wise relative to the present controversy between the United States of America and Great Britain, or serve in any mili-

tary capacity whatsoever, until duly exchanged with the consent and approbation of the executive power of this State; and Mr. Livingston offering to become bound as security for Mr. Patterson, that he would appear and surrender himself again as a prisoner, whenever required by the Governor of this State, unless duly exchanged for either of the persons mentioned in the resolutions of this Council of the twelfth instant, or such other person as the Governor of this State shall appoint.

The same being taken into consideration: Thereupon,

Resolved, That John Patterson, Esqr. be permitted to pass to the city of New-York with his family (male servants excepted) and effects, upon the terms above proposed.

Resolved, That the bond from Walter Livingston, Esqr. for the purpose above mentioned, be in the penalty of five hundred pounds, and be taken to the Treasurer of this State.

Resolved, That Anthony Hoffman, Esquire, be authorized to take the above parol from Mr. Patterson, and that he transmit the same when subscribed by Mr. Patterson to His Excellency the Governor of this State.

Thereupon, Walter Livingston, Esqr. executed such bond as aforesaid, which bond, with the condition, is in the words following, to wit:

"Know all men by these presents, That I, Walter Livingston, Esqr. of the manor of Livingston, in the State of New-York, am held and firmly bound unto Peter Van Brugh Livingston, Treasurer of the said State, in the sum of five hundred pounds lawful money of the said State, to be paid to the said Peter Van Brugh Livingston, his executors, administrators, or assigns, for the use of the said State. For payment whereof I bind myself, my heirs, executors and administrators, firmly by these presents, sealed with my seal, dated the eighteenth day of November, in the year of our Lord one thousand seven hundred and seventy-seven, 1777:

"Whereas John Patterson, Esquire, late collector of the port of Philadelphia, and now a prisoner in the manor of Livingston, hath, upon his application, obtained permission from the Council of Safety of this State, to pass to the city of New-York, to solicit an exchange of himself for Major Hatfield, Captain Van Dyck, William Miller of Westchester county, Garret Van Wagenen and Wynant Van Zandt of the city of New-York, or either of them, or such other person as the Governor of this State for the time being, shall appoint: And whereas the above bounden Walter Livingston, Esqr. hath consented to become bound as surety for the said John Patterson, that in case such exchange can not be effected, that he the said John Patterson will appear and surrender himself again a prisoner. Now therefore, the condition of the above obligation is such that if the said John Patterson shall not be exchanged for the said Major Hatfield, Captain Abraham Van Dyck, William Miller of Westchester county, Gerret Van Wagenen and Wynant Van Zandt of the city of New-York, or either of them, or such other person as the Governor of this State for the time being, shall appoint, and shall then appear and surrender himself again to the Governor of this State for the time being, whenever thereunto required by the Governor of this State for the time being, or within four months after notice of such requisition to the said Walter Livingston, then the above obligation to be void, else to remain in full force.

"WALTER LIVINGSTON, [L. S.]

"Sealed and delivered in the presence of }
"Robt. Benson,
"John McKesson."

Adjourned until to-morrow 3 ho. P. M.

DIE MERCURII, 3 HO. P. M.

November 19, 1777.

The Council met pursuant to adjournment.

Present—Evert Bancker, Esqr. *President pro tem.*

Mr. Harper, Mr. Snyder, Mr. Webster, Mr. Benson, Mr. Scott, Mr. Pawling, Mr. Dunscomb.—*Quorum.*

Mr. Clark.

A letter from His Excellency the Governor, was read, and is in the words following, vizt:

"*Poughkeepsie, 17th Novr.* 1777.

"Gentlemen—The ship carpenters, residing in and about this place, who were employed in building the two Continental frigates, have some time ago presented me a petition, setting forth their distressed situation, which I intended to have transmitted you; but, before I had an opportunity, it was mislaid, and I have not since been able to find it. It sets forth, in substance, that they were all citizens of New-York, who, while in the city, supported their families comfortably by their trades; that they all either moved up to this place, at the instance of the public to work on those ships, or afterwards on the approach of the enemy; that almost ever since the completion of the frigates, they have been out of employ, during which time they have expended their earnings in support of their families, and unless some mode can be devised to employ them, and such wages allowed, as shall be in some degree proportionate to the high prices they are obliged to pay for the necessary articles of life, they will be constrained (though with great reluctance) to leave the State.

"I am convinced their case is hard, and at the same time sensible that if so many valuable artificers leave the State, it will be a public injury. I wish, therefore, something could be done, to enable them to continue in it. I have wrote to the deputy quarter-master-general, mentioning their case to him; but I fear the wages he is authorized to give is not such as they can live on at this extravagant time. I have but little hopes, therefore, of their getting relief in that way, and unless the Council can devise some plan by which they can be employed with more generous wages, I fear we shall lose them. I can not help but think it would be wise policy, and perfectly consistent with justice, to place those people, and others of our distressed friends, in the houses of those villains who have gone to the enemy, which alone would enable them to support themselves and families on moderate wages.

"The want of tools, and the sloth of the militia, which is as great as ever, occasion our works to go on very slow.

"I am, with due respect,
"Your most obedt. servt.
"GEO. CLINTON.

"Council of Safety."

Lancaster Burling, a master carpenter, who was the bearer of the said letter, was called in and heard. He said he did not know of any business in which the ship carpenters could be employed, unless in cutting timber or making bridges.

Ordered, That Mr. John Henry deliver out of the clothing store of this state to John Holt, printer, or Elizabeth Holt, or his or her order, three shirts, one waistcoat, two pair of shoes, and two pair of breeches, or so much cloth as to make two pair of breeches, the same effects being for the use of his journeyman and servant boy. That Mr. Henry deliver the said articles on receiving payment for the amount of the value thereof, and credit this State for the same.

Ordered, That Mr. John Henry deliver out of the clothing store of this State to Captain Abraham Lewis, for the use of himself and his lieutenant, two waistcoats, two

pair of shoes, and two pair of breeches, or so much cloth as to make two pair of breeches. That Mr. Henry deliver the said articles on receiving payment for the amount thereof, and credit this State for the same.

Mr. Benson reported a draft of a letter to Major-General Gates, requesting the General to aid Captain Benson in securing the armed sloop Hudson, (belonging to this state,) against the ice at Albany. The same being read, was approved of, and is in the words following, to wit:

"SIR—Upon the late pressing call for flour from the northern army, we ordered a sloop of war belonging to this state, as there were not a sufficient number of other vessels to be procured, to take a quantity on board and transport it to Albany. While employed in this service, she lately, in one of the high winds, drove from the wharf, and now lies aground opposite the city in a very dangerous situation. We have directed Captain Benson, the commander, immediately to repair to Albany and endeavour to have her secured against the approaching winter; and we have taken the liberty of recommending him to you for such aid from the army as may be necessary for this purpose.

"Though from your readiness, sir, to promote the public cause on all occasions, we have no doubt but that you will furnish Captain Benson with all the assistance in your power, in order to save a vessel so much wanted on the river, being the only one armed; but we conceive it also not improper to suggest, that should she now be lost, she will be deemed ost in the service of the States, and consequently become a Continental charge.

"I am, with great respect and esteem, sir,
"Your most obedient humble servant.

"To the Honorable Major Genl GATES."

Ordered, That a copy thereof be engrossed and signed by the President *pro tempore*, and transmitted by Captain Benson.

A letter from John Barclay, Esqr. chairman of the committee of Albany, dated the 12th of Nov. instant, was read, and follows, vizt.

"*Albany Committee Chamber, 12th Novr.* 1777.

"SIR—In consequence of the request of the Committee of Safety, signified by your favour of the 7th instant, this committee have made inquiry for a room in this city which may answer the purpose of depositing the records of this State with safety.

"They are happy to acquaint you that Mr. Abraham Douw, a gentleman of respect in this city, is willing to spare a room in a lower story in his house for that purpose, and at the same time furnish boarding for Mr. Bayard. This house is nearly in the centre of the city, and will therefore afford security against attempts of secret enemies.

"The committee have also to request the favour of the Council to remove to this city the records of the city and county of Albany, as also the records of this county committee.

"I am, sir, your most obed't servt.
"By order.
"JOHN BARCLAY, Chairman.

"To the President of the Council of Safety."

Ordered, That Mr. John Henry deliver out of the clothing store of this State to Egbert Benson, Esqr. or his order, one shirt, one pair of hose of the coarsest kind, for the use of a negro wounded prisoner now at Rhinbeeck.

Adjourned until to-morrow, 10 ho. A. M.

DIE JOVIS, 10 HO. A. M. *November* 20, 1777.

The Council met pursuant to adjournment.

PRESENT—Evert Bancker, Esqr. *President pro tem.*

Mr. Pawling, Mr. Snyder, Mr. Dunscomb, Mr. Harper, Mr. Benson, Mr. Webster—*Quorum.*

Mr. E. Clark, Mr. Philip Livingston.

The Council having sat and considered different matters until half an hour past twelve o'clock, adjourned until three o'clock this afternoon.

DIE JOVIS, 3 *ho. P. M. November* 29, 1777.

The Council met pursuant to adjournment.

PRESENT—Evert Rancker, Esq. *President pro tem.*

Mr. Pawling, Mr. Snyder, Mr. Dunscomb, Mr. Harper, Mr. Benson, Mr. Webster, Mr. Scott—*Quorum.*

Mr. E. Clark, Mr. Phil. Livingston.

Ordered, That Dirck Wynkoop, Esqr. and Mr. Oke Suydam, deliver to Christopher Tappen, Esq. deputy clerk of the county of Ulster, the records and papers of the said county which were committed to their care by an order of this Council of the ninth of October last past.

Ordered, That the Treasurer of this State pay unto Mr. Andrew Oliver the sum of fifteen dollars, as a compensation for the use made of his house by this Council, during their sitting at Marble Town.

Abraham Burghardt, of Barrington, in the State of Massachusetts Bay, (who was taken a prisoner last spring at or near Ramepough, as he was coming from the enemy, in the city of New-York,) was solemnly sworn before the Council "that he will, to the utmost of his power, maintain and defend the freedom and independence of the United States of America," and was discharged.

Ordered, That one of the Secretaries give him a certificate of his having taken the said oath, and a discharge, and permission to return to Barrington aforesaid.

Mr. Livingston departed the Council.

Mr. Scott, according to order, reported a draft of a resolution, prescribing the terms on which flour and meal may be exported from this State to the eastern States.

The same were twice read, and then read by paragraphs and amended, and the further consideration thereof postponed until to-morrow.

Adjourned until to-morrow morning 10 ho. A. M.

DIE VENERIS, 10 HO. A. M. *November* 21, 1777.

The Council met pursuant to adjournment.

PRESENT—Evert Bancker, Esqr. *President pro tempore.*

Mr. Scott, Mr. Snyder, Mr Pawling, Mr. Dunscomb, Mr. Benson, Mr. Harper, Mr. Webster—*Quorum.*

Mr. Livingston, Mr. E. Clark.

Thomas Storm, of Dutchess county, applied for a permit to transport flour to Massachusetts Bay, in return for salt; and for that purpose made oath as follows, vizt:

"Thomas Storm, of Fishkill, in Dutchess county, being duly sworn on the Holy Evangelists of Almighty God, deposeth and saith, That within two months last past, Ebenezer Hall, of Water Town, in the State of Masachusetts Bay, Ebenezer Child, Joseph Kettle and William Stimpson, all of Boston, in Massachusetts Bay aforesaid, have brought into Dutchess county about three hundred bushels of salt, the greater part whereof has been sold to the inhabitants of this State; that the said Ebenezer Hall and the other three persons above named, exchanged part of the said salt for flour, and sold other parts of it for cash; that by exchange, and with cash arising from the sale of the said salt, the said Ebenezer Hall, Ebenezer Child, Joseph Kettle and William Stimpson, have in the whole procured in this State a quantity of flour not exceeding two hundred barrels; two cart loads whereof has, in pursuance of the embargo laid by the Council of Safety of this State, been detained by the committee of Pawling's precinct; and that a quantity of the said flour remains in stores, and at a mill in Dutchess county, not amounting to one hundred and fifty barrels; that the whole of the said two hundred barrels of flour did not amount to the value of the salt brought into Dutchess county by the said Ebenezer Hall, Ebenezer Child, Joseph Kettle and William Stimpson, and sold to the inhabitants of this State part of the said salt, having

been exchanged for iron, and a small part of it for hemp; and the said Thomas Storm farther deposeth and saith, that no greater quantity of flour or meal shall be exported out of this State in return for the said salt than such quantity as a permit may be given by the Council of Safety of this State to be exported on account thereof.

"THOS. STORM.

"Sworn this 21st day of November, 1777, before me. "EVERT BANCKER, *Prest. pro tem.*"

WHEREAS Thomas Storm, of Fishkill, in Dutchess county, has made oath before this Council, that Ebenezer Hall, of Water Town, in Massachusetts Bay, Ebenezer Child, Joseph Kettle and William Stimpson, all of Boston, in Massachusetts Bay aforesaid, have within two months last past brought into Dutchess county about three hundred bushels of salt, the greater part whereof has been sold to or bartered with the inhabitants of this State; that by exchange and with cash arising from the sale of the said salt, they have in the whole procured in this State a quantity of flour not exceeding two hundred barrels; that the said two hundred barrels of flour does not amount to the value of the said salt brought into Dutchess county, by the said Ebenezer Hall, Ebenezer Child, Joseph Kettle and William Stimpson, and sold to the inhabitants of this State; and the said Thomas Storm hath farther made oath, that no greater quantity of flour or meal shall be exported out of this State in return for the said salt, than such quantity as a permit may be given by the Council of Safety of this State, to be exported on account thereof.

Resolved, therefore, That the said Thomas Storm be and is hereby permitted to transport out of this State two hundred barrels of flour, including forty-eight barrels of flour which he has already sent from Fishkill, on eight carts, for the use of the said Ebenezer Hall, Ebenezer Child, Joseph Kettle and William Stimpson, of Massachusetts Bay aforesaid.

Adjourned until 4 ho. P. M.

DIE VENERIS, 4 *ho. P. M. November* 21, 1777.

The Council met pursuant to adjournment.

PRESENT—Evert Bancker, Esqr. *President pro tem.*

Mr. Scott, Mr. Snyder, Mr. Pawling, Mr. Dunscomb, Mr. Benson, Mr. Harper, Mr. Webster—*Quorum.*

Mr. Livingston, Mr. E. Clark.

The Council resumed the consideration of the draft of the resolutions prescribing the terms on which flour and meal may be exported from this State to the eastern States, which being read, amended and agreed to, are as follows, vizt:

WHEREAS, according to the terms of the embargo lately laid by this Council against the exportation of flour, meal or grain out of this State, those articles may be exported from the same by special licence of this Council or the Legislature of this State: AND WHEREAS all due encouragement ought to be given for the importation of salt into the same at as moderate a price as possible: AND WHEREAS this valuable end as well as that of supplying our brethren in the eastern States with bread or other flour victuals for their necessary consumption on shore and on board their vessels in their voyages and in their cruises against the enemy, cannot be obtained without a permission to export flour and meal: AND WHEREAS it is requisite nevertheless, in order to prevent the too great scarcity and enhancement of price of those necessaries within this State, and all supplies thereof to the enemy, that such permission should be granted, under certain restraints. To the end therefore that a sufficient quantity of flour and meal may be exported for the said purposes, under proper restrictions and licences; also, that the exportation thereof may be obtained with the greater ease, be it therefore and it is hereby

Resolved, by this Council, That every person being an actual resident within this State or of either of the States of Connecticut, Massachusetts Bay, New-Hampshire or Rhode-Island and Providence Plantations, and having, if a resident within and subject of this State, a certificate in writing, signed by the chairman of the committee of the district wherein he shall reside, or if a resident and subject of either of the said other States, a certificate signed by the chairman or other proper officer of the district wherein he shall be resident, specifying such person's proper name, occupation and place of abode, and declaring him to be well attached to American liberty and independence, shall be and is hereby permitted and allowed to transport flour and meal from this State into any of the said other States for consumption only as aforesaid, and for no other use whatsoever, and under the following restraints, that is to say:

First. That the general committee of each county within this State shall at a meeting thereof, to be duly convened by the chairman thereof without delay, by plurality of voices, appoint within each county not less than two nor more than five good, honest and sufficient persons, actual residents within the same, and subjects and freeholders of this State, commissioners to grant licenses to such persons as shall from time to time apply to them for leave to transport flour and meal from this State into either of the said other States; and that every such person so to be appointed shall, before he enter on the execution of his office aforesaid, take and subscribe before the chairman of such general committee, an oath in writing, either on the Holy Evangelists or with uplifted hand, of the following tenor, to wit:

"I, A B, [specifying the name, occupation and place of abode of the person] appointed a commissioner within the in the county of by the general committee of the said county, as a commissioner to license the exportation of flour and meal out of this State, do hereby solemnly and sincerely swear and declare in the presence of Almighty God, that I will in all things well, faithfully and honestly, and without partiality, regard to my own private interest, fear, favour, affection, or hope of reward, execute the office of commissioner for granting licences to export flour out of this State, according to the best of my knowledge and understanding, pursuant to a resolution of the Council of Safety for the State of New-York, of the eleventh day of November, in the year of our Lord one thousand seven hundred and seventy-seven; and that during my continuance in the said office of commissioner, I will not be directly or indirectly interested or concerned in the exportation of flour out of this State, so help me God."

Which oath the chairman of such committee is hereby authorized to administer.

Secondly. That every person being a resident and subject of this State, shall before such license as aforesaid shall be granted to him by any commissioner within the same, take and subscribe before such commissioner to whom he shall apply for such license as aforesaid, (who is hereby authorized to administer the same,) the following oath, either on the Holy Evangelists or with uplifted hand, to wit:

"I, A B, [specifying the proper name, occupation and place of abode of the deponent] do solemnly swear and declare in the presence of Almighty God, that I will not export out of the State of New-York any flour or meal into any other place or country than such parts of the States of Connecticut, Massachusetts Bay, New-Hampshire, or Rhode-Island and Providence Plantations, as are or shall not be in possession of the enemy during the continuance of the embargo laid against the exportation of flour, meal and grain out of this State, by a resolution of the Council of Safety of the same, bearing date the eleventh day of November, in the year of our Lord one thousand seven hundred and seventy-seven; and that I will not export out of the same to any or either of the said other States, any flour or meal whatsoever, other than the quantity of [here

insert the quantity to be licensed] according to the tenor of a certain license to be granted to me by [here insert the name and place of abode of the commissioner] one of the commissioners appointed by virtue of a resolution of the said Council of Safety, bearing date the twenty-first day of November, in the year of our Lord one thousand seven hundred and seventy-seven, to license the exportation of flour and meal out of this State, and dated this day of in the year of our Lord one thousand seven hundred and unless upon fresh license to be had and obtained by me for the like purpose, after I shall have complied with the terms of this oath; and that I will honestly and faithfully do my utmost endeavours to import into this State the whole proceeds of the said quantity of flour and meal, [or flour or meal as the case may be,] licensed to be exported by me, in salt, and consume the same in my own family or dispose thereof by retail, within this State, for the use of some inhabitant or inhabitants thereof, so help me God."

Thirdly. That no resident or subject of this State shall, by virtue of any one license, export out of this State more than the quantity of thirty barrels of flour or meal.

Fourthly. That every person being a resident and subject of either of the said States of Connecticut, Massachusetts Bay, New-Hampshire, or Rhode-Island and Providence Plantations, shall, before such licenses aforesaid be granted to him by any commissioner within the same, take and subscribe before such commissioner to whom he shall apply for such license as aforesaid, (who is hereby authorized to administer the same,) the following oath, to wit:

"I, A B, [specifying the proper name, occupation and place of abode of the deponent,] do solemnly and sincerely swear and declare, in the presence of Almighty God, that I will not export out of the State of New-York any flour or meal into any other place or country than such place or places in the States of Connecticut, Rhode-Island and Providence Plantations, Massachusetts Bay or New-Hampshire, as shall not be in the possession of the enemy, during the continuance of the embargo laid against the exportation of flour, meal or grain out of this State, by a resolution of the Council of Safety of the same, bearing date the eleventh day of November, in the year of our Lord one thousand seven hundred and seventy-seven; and that I will not export out of the same, to any or either of the said other States, any flour or meal whatsoever, other than the quantity of [here insert the quantity to be licensed,] according to the tenor of a certain license to be granted to me by [here insert the name and place of abode of the commissioner,] one of the commissioners appointed by virtue of a resolution of the said Council of Safety, bearing date the twenty-first day of November, in the year of our Lord one thousand seven hundred and seventy-seven, to license the exportation of flour and meal out of this State, and dated this day of in the year of our Lord one thousand seven hundred and unless upon fresh license, to be had and obtained for the purpose, after I shall have made a further importation of salt into this State; and that I have purchased [or will purchase, as the case may be,] the said quantity of flour or meal, [here insert the quantity,] bushels of already imported into this State, in barter for salt, or for money arising [or that may arise, as the case may be,] from the sale of the said salt; and that I have not exported, or caused to be exported, and will not export, or cause to be exported, any of the said salt out of this State, but have disposed [or will dispose, as the case may be,] of the same within this State, by retail, for the use of some inhabitant or inhabitants thereof. So help me God."

Fifthly. That every such commissioner as aforesaid, shall keep a regular book of his proceedings in the execution of his office, in which shall be written the oath aforesaid of every such exporter to whom he shall grant such license as aforesaid, to be subscribed therein by such exporter, and certified by the commissioner; and that at the foot of every such oath, shall be written, and in like manner certified, the license thereby referred to; and that a true copy thereof, in like manner subscribed by the said commissioner, be given by such commissioner to the exporter; and that the tenor of every such license shall be as follows, to wit:

"By [inserting the name and place of abode of the commissioner,] one of the commissioners appointed for licensing the exportation of flour and meal out of the State of New-York, license and permission is hereby granted to [inserting the name, occupation and place of abode of the exporter,] to export [here insert the quantity of flour or meal to be licensed,] out of this State, to any place or places not in possession of the enemy, in either of the States of Connecticut, Rhode-Island and Providence Plantations, Massachusetts Bay or New-Hampshire. Given under my hand this day of in the year of our Lord one thousand seven hundred and ."

Sixthly. That every such commissioner shall, on every such license as aforesaid, and the proceedings relating thereto, and before the same shall be granted, have and receive for the same, from the person to whom the same shall be granted, the sum of six shillings and no more for a license for four barrels of flour or meal, and for a license for any greater quantity of flour or meal, the sum of twenty shillings and no more.

Seventhly. That the said several and respective county committees shall, from time to time, and without delay, transmit to this Council of Safety, or the Legislature of this State, true copies of their aforesaid several appointments of commissioners, certified by their respective chairmen.

Eighthly. That the said several commissioners shall, whenever required by this Council, or either branch of the Legislature of this State, deliver to them respectively their respective books, in which they shall have severally inserted such oaths and licenses as aforesaid.

Ninthly. That any commissioner who shall in any wise wilfully be guilty of a breach of his duty herein prescribed to him, and being thereof convicted, shall incur the crime, and bear the punishment, of wilful and corrupt perjury.

Tenthly and Lastly. That every person who shall export, or cause to be exported, or shall sell and dispose of, or purchase or procure, for that purpose, any flour, knowing the same to be intended to be exported out of this State, contrary to the tenor and true intent and meaning of this resolution, and shall be duly convicted thereof, shall suffer the pains of death, without the benefit of clergy.

Ordered, That one hundred copies thereof be printed in handbills, and that the same be printed in Samuel Loudon's newspaper.

Resolved, That Mr. Scott, Mr. Benson, Mr. Pawling and Mr. Webster, or any three of them, be a committee to wait on His Excellency the Governor, and confer with him on the expediency of putting an end to the session of this Council, either by calling the Legislature of this State, or the Convention thereof.

Resolved, That any three members of this Council be authorized and empowered to grant permits for the exportation of flour, meal and grain out of this State into the States of Connecticut, Rhode-Island, Massachusetts Bay, and New-Hampshire during the next adjournment of this Council.

Ordered, That one of the Secretaries of this Council proceed to Rochester, and bring from thence to this place all the records and papers of the late Congresses, Convention, Committees of Safety and Council of Safety of this State.

Resolved, That the powers of the commissioners of sequestration in the several counties of this State, be, and the same hereby are extended to the estates and effects of

such persons as have been condemned and executed for treasonable practices against this State.

Adjourned until Tuesday next 10 ho. A. M.

TUESDAY, A. M.

November 25, 1777.

[The following is a true copy of a memorandum kept by Mr. Robert Harper.]

In committee of the Council of Safety for the State of New-York: Granted a permit to John Hutchinson, Daniel Wyman and John Carter, all of Massachusetts Bay, to transport twenty-eight barrels and one hogshead of flour from this State to the said State of Massachusetts Bay, in return for salt, which they have brought from the said State into Dutchess county on the 20th instant.

John Hutchinson and Daniel Wyman, of Charlestown, in Massachusetts Bay, applied for a permit to transport flour to the said State in return for salt, and for that purpose made oath as follows, vizt:

"John Hutchinson and Daniel Wyman, of Charlestown, aforesaid, being duly sworn, deposeth and saith, That on the twentieth day of this instant, November, they, in company with John Center, of Woburn, in the said State, have brought into Dutchess county about fifty bushels of salt; that a part of which has been sold to the inhabitants of this State and the remainder exchanged for flour, contained in twenty-eight barrels and one hogshead, which barrels and hogshead have, in pursuance of the embargo laid by the Council of Safety of this State, been detained by the committee of Pawling's precinct; that the whole of the said twenty-eight barrels and one hogshead of flour did not amount to the value of the salt brought into Dutchess county by the said John Hutchinson, Daniel Wyman and John Center. And the said John Hutchinson and Daniel Wyman farther deposeth and saith, that no greater quantity of flour or meal shall be exported out of this State in return for the said salt, than such quantity as a permit may be given by the Council of Safety of this State, to be exported on account thereof.

"JOHN HUTCHINSON,
"DANIEL WYMAN.

"Sworn this 25th day of November, 1777, before me. }
"DANIEL DUNSCOMB."

TUESDAY, *P. M. November* 25, 1777.

PRESENT—*Evert Bancker, Esq. *President pro tempore.*
*Mr. Scott, *Mr. Harper, Mr. Livingston, Mr. E. Clarke, *Mr. Dunscomb.

I, Thomas Brinckle, of Ulster county, in the State of New-York, tailor, do solemnly swear and declare in the presence of Almighty God, that I will not export out of this State any flour or meal into any other place or country than such parts of the State of Connecticut, Rhode Island and Providence Plantations, Massachusetts Bay or New Hampshire, as are not, or shall not be in the possession of the enemy during the continuance of the embargo laid against the exportation of flour, meal and grain, out of this State, by a resolution of the Council of Safety, bearing date the eleventh day of November, 1777; and that I will not export out of the same, to any or either of the said States, any flour or meal whatsoever other than the quantity of thirty barrels of flour, according to the tenor of a certain license to be granted to me by the Council of Safety for the exportation of the said thirty barrels of flour, and to bear date this day, unless upon a fresh license to be had and obtained by me for the like purpose, after I shall have complied with the terms of this oath; and that I will honestly and faithfully do my utmost endeavours to import into this State, the whole proceeds of the said quantity of flour so licensed to be exported by me, in salt, and consume the same in my own family or dispose thereof by retail for the use of some inhabitant or inhabitants thereof; and that I will honestly report to this Council of Safety or the Legislature for the time then being (on oath if required) the quantity of salt I shall import into this State in return for the said thirty barrels of flour, so help me God.

"THOS. BRINCKLE.

"Sworn this 25th November, 1777, before me. }
"EVERT BANCKER."

A permit was given to the said Thomas Brinckle in the words following, vizt:

"*State of New-York, ss:*—By Evert Bancker, President *pro tempore*, John Morin Scott, Robert Harper, Daniel Dunscomb, Philip Livingston and Ebenezer Clarke, of the Council of Safety for the State of New-York:

"Pursuant to certain resolutions of the Council of Safety for the State of New-York, license and permission is hereby granted to Thomas Brinckle, of Marble Town in Ulster county, trader, to export thirty barrels of flour out of this State to any place or places not in possession of the enemy in either of the States of Connecticut, Rhode Island and Providence Plantations, Massachusetts Bay or New-Hampshire. Given this twenty-fifth day of November, in the year of our Lord one thousand seven hundred and seventy-seven.

"By order."

"*Ulster county, ss.*—I, Daniel Brodhead, of Marble Town, in Ulster county, yeoman, do solemnly swear and declare, in the presence of Almighty God, that I will not export out of this State any flour or meal into any other place or country, than such parts of the State of Connecticut, Rhode-Island and Providence Plantations, Massachusetts Bay or New-Hampshire, as are not or shall not be in the possession of the enemy during the continuance of the embargo laid against the exportation of flour, meal and grain out of this State, by a resolution of the Council of Safety, bearing date the eleventh day of November, 1777; and that I will not export out of the same, to any or either of the said States, any flour or meal whatsoever, other than the quantity of thirty barrels of flour, according to the tenor of a certain license to be granted to me by the Council of Safety, for the exportation of the said thirty barrels of flour, and to bear date this day, unless upon a fresh license to be had and obtained by me for the like purpose, after I shall have complied with the terms of this oath; and that I will honestly and faithfully do my utmost endeavours to import into this State the whole proceeds of the said quantity of flour so licensed to be exported by me, in salt, and consume the same in my own family, or dispose thereof by retail for the use of some inhabitant or inhabitants thereof; and that I will honestly report to this Council of Safety, or the Legislature for the time then being (on oath, if required) the quantity of salt I shall import into this State, in return for the said thirty barrels of flour, so help me God.

"DANIEL BRODHEAD.

"Sworn this 25th Novr. 1777, before me, }
"EVERT BANCKER."

A permit was given to the said Daniel Brodhead in the words following, vizt:

"*Ulster county, ss.*—By Evert Bancker, President *pro tempore*, John Morin Scott, Robert Harper, Daniel Dunscomb, Philip Livingston and Ebenezer Clarke, members of the Council of Safety for the State of New-York.

"Pursuant to certain resolutions of the Council of Safety for the State of New-York, license and permission is hereby granted to Daniel Broadhead, of Marble Town, in Ulster county, yeoman, to export thirty barrels of flour out of this State to any place or places not in possession of the enemy, in either of the States of Connecticut, Rhode-Island and Providence Plantations, Massachusetts Bay or New-Hamp-

shire. Given this twenty-fifth day of November, in the year of our Lord one thousand seven hundred and seventy-seven.

"By order."

WEDNESDAY MORNING, *November* 26, 1777.

The Council met pursuant to adjournment.

PRESENT—Evert Bancker, Esqr. *President pro tempore.*

Mr. Harper,* Mr. Clarke, Mr. Ph. Livingston, Mr. Dunscomb, Mr. Scott,* Mr. Webster,* Mr. Pawling.

Mr. Isaac Clason, of Rynbeck, in Dutchess county, of this State, trader, applied for a permit to transport flour from this State to the Massachusetts Bay, to procure salt, and bring the same into this State, whereupon he took the following oath, vizt:

"I, Isaac Clason, of Rynbeeck, in Dutchess county, of the State of New-York, trader, do solemnly swear and declare, in the presence of Almighty God, that I will not export out of this State any flour or meal into any other place or country, than such parts of the State of Connecticut, Rhode-Island and Providence Plantations, Massachusetts Bay or New-Hampshire, as are not or shall not be in the possession of the enemy, during the continuance of the embargo laid against the exportation of flour, meal and grain out of this State, by a resolution of the Council of Safety, bearing date the eleventh day of November, 1777; and that I will not export out of the same, to any or either of the said States, any flour or meal whatsoever, other than the quantity of thirty barrels of flour, according to the tenor of a certain license to be granted to me by the Council of Safety, for the exportation of the said thirty barrels of flour, and to bear date this day, unless upon a fresh license to be had and obtained by me for the like purpose, after I shall have complied with the terms of this oath; and that I will honestly and faithfully do my utmost endeavours to import into this State, the whole proceeds of the said quantity of flour so licensed to be exported by me, in salt, and consume the same in my own family, or dispose thereof by retail, for the use of some inhabitant or inhabitants thereof; and that I will honestly report to this Council of Safety, or the Legislature of this State for the time being, (on oath, if required) the quantity of salt I shall import into this State in return for the said thirty barrels of flour, so help me God.

"ISAAC CLASON.

"Sworn this 26th day of Novr. 1777, before me, } "EVERT BANCKER."

A permit was thereupon given to the said Isaac Clason, in the words following, to wit:

"STATE OF NEW-YORK, *Ulster County,* } *ss.* By Evert Bancker, President *pro tempore*, John Morin Scott, Robert Harper, Daniel Dunscomb, Levi Pawling, Alexr. Webster, Philip Livingston and Ebenezer Clark, Esqrs. of the Council of Safety for the State of New-York:

"Pursuant to certain resolutions of the Council of Safety for the State of New-York, license and permission is hereby granted to Isaac Clason, of Rhynbeck, in Dutchess county, of the State of New-York, trader, to export thirty barrels of flour out of this State to any place or places not in possession of the enemy, in either of the States of Connecticut, Rhode-Island and Providence Plantations, Massachusetts Bay or New-Hampshire. Given this twenty-sixth day of November, in the year of our Lord 1777.

"By order."

William Helms, applying for license to transport flour to Connecticut, for Jonathan Fitch, commissary for the said State of Connecticut, was examined, part of his examination taken in writing, and the further consideration thereof postponed.

DIE MERCURII, 4 *ho. P. M. November* 26, 1777.

The Council met pursuant to adjournment.

PRESENT—Evert Bancker, Esqr. *President pro tempore.*

Mr. Scott, Mr. Pawling, Mr. Dunscomb, Mr. Harper, Mr. Webster, Mr. Van Zandt, Mr. E. Clarke.

Mr. Cornelius E. Wynkoop applied for a permit to export thirty barrels of flour to procure salt; was sworn as follows, vizt:

"I, Cornelius E. Wynkoop, of Marble Town, in Ulster county, do solemnly swear and declare, in the presence of Almighty God, that I will not export out of this State any flour or meal, into any other place or country, than such parts of the State of Connecticut, Rhode-Island and Providence Plantations, Massachusetts Bay or New-Hampshire, (as are not, or shall not be, in the possession of the enemy,) during the continuance of the embargo laid against the exportation of flour, meal and grain out of this State, by a resolution of the Council of Safety, bearing date the eleventh day of November, 1777; and that I will not export out of the same, to any or either of the said States, any flour or meal whatsoever, other than the quantity of thirty barrels of flour, according to the tenor of a certain license, to be granted to me by the Council of Safety, for the exportation of the said thirty barrels of flour, and to bear date this day, unless upon a fresh license to be had and obtained by me, for the like purpose, after I shall have complied with the terms of this oath; and that I will honestly and faithfully do my utmost endeavours to import into this State the whole proceeds of the said quantity of flour, so licensed to be exported by me, in salt; and consume the same in my own family, or dispose thereof by retail for the use of some inhabitant or inhabitants thereof; and that I will honestly report to this Council of Safety or the Legislature of this State for the time being, (on oath if required,) the quantity of salt I shall import into this State in return for the said thirty barrels of flour: So help me God.

"CORN. E. WYNKOOP.

"Sworn this 26th day of Novr. 1777, before me. } "EVERT BANCKER."

"STATE OF NEW-YORK, *Ulster County,* } *ss.*

"By the Council of Safety for the State of New-York:

"Pursuant to certain resolutions of the Council of Safety for the State of New-York, license and permission is hereby granted to Cornelius E. Wynkoop, of Marble Town, in Ulster county, of the State of New-York, to transport thirty barrels of flour out of this State to any place or places, not in possession of the enemy, in either of the States of Connecticut, Rhode-Island and Providence Plantations, Massachusetts Bay or New-Hampshire.

"Given this twenty-sixth day of November, in the year of our Lord one thousand seven hundred and seventy-seven.

"By order."

A letter from John Nicoll, acting deputy quarter-master-general, dated at New-Windsor, on the twentieth instant, was read, and follows in the words, to wit;

"*New-Windsor, Novemr.* 20, 1777.

"HOND. SIR—There is wanted for our works in obstructing the navigation of Hudson's river here, 300 fathom of three inch rope, twelve small blocks, three anchors and cables. I have applied to the Quarter-Master-General, who has supplied me with all he has in store, and will still do the same; but these things he has not, neither can by any means procure at present. I am, therefore, under the necessity of applying to you, as it is in your power to order them off some of the vessels which are laid by for the winter, and by that time our business will be done. I

have sent Capt. Willm. Matthewman with a sloop for the purpose.

"I am, sir, your most obed. hum. servt.
"JOHN NICOLL, *Act. D. Q. M. G.*"

Thereupon, a draft of a letter to Major-General Gates was prepared by the Secretary, read, approved of, and is in the words following, to wit:

"SIR—Mr. John Nicoll, acting deputy quarter-master-general at New-Windsor, has, by letter, applied to us for three hundred fathom of three inch rope, twelve small blocks and three anchors and cables. We conceive, sir, his application would have been more properly made to you, and therefore enclose you a copy of his letter.

"Indeed, we are necessitated to refer his application to you, as by the late conflagration of the State rope works, at Kingston, every article which Mr. Nicoll requests, that was in our power to furnish, is destroyed.

"We are informed that the rope and blocks requested, may be obtained out of some public stores at Albany, and hope anchors and cables may be, by some means, also obtained there.

"We have the honour to be,
"With great respect and esteem, sir,
"Your most obedt. humble servant,
"By order.

"Honl. Major-Genl. GATES, Commander-in-Chief in the Northern Department."

Ordered, That a copy thereof be engrossed and signed, by the President, and transmitted by Mr. Matthewman.

WHEREAS information hath been given to this Council, by Daniel Graham, Esqr. chairman of the committee of Ulster county, that the salt allotted to the inhabitants of the southern part of the said county, is by no means sufficient to supply the said inhabitants, agreeably to the regulations of the late Council of Safety, whereby the said salt is directed to be distributed, at three quarts to each person:

Resolved, That the commissioners appointed to distribute the salt allotted to the inhabitants of the southern part of Ulster county be and are hereby authorized to distribute the same at the rate of three pints to each person only; any thing in the said resolutions of the late Council of Safety to the contrary thereof in any wise notwithstanding.

Adjourned until to-morrow morning 10 ho.

DIE JOVIS, 10 HO. A. M.
November 27, 1777.

The Council met pursuant to adjournment.

PRESENT—Evert Bancker. Esqr. *President pro tem.*

Mr. Pawling, Mr. Benson, Mr. Webster, Mr. Dunscomb, Mr. Scott, Mr. Van Zandt, Mr. Harper, Mr. P. Livingston.

A letter from the committee of Rhynbeck precinct, dated the twenty-first November instant, and signed by Jacob Heermans, their chairman, was read. The said committee therein complain of the exorbitant price at which Colo. Robert Livingston sells iron; and that he demands payment for the same in pork, at the rate of seventeen pounds per hundred. And in a postcript they say, that they have been informed that Colo. Livingston demands twenty pounds per hundred for iron.

A petition of Isaac Van Vleck, without date, praying an order to the commissioners of sequestration in Albany county, not to dispose of his effects as confiscated.

A letter from John Younglove and George Palmer, two of the commissioners of sequestration in the northern district of the county of Albany, dated at Cambridge the fifteenth instant, was read. They thereby complain that the allowance made to them is insufficient to defray their necessary disbursements, and praying such relief as the Council may think proper.

A letter from Major John Wheelock, dated at Hanover on the thirtieth day of October last, was read. He therein mentions that he has sent his accounts by Captain Paine, and requests that they may be settled and his receipts delivered up.

Ordered, That the last mentioned three letters and petition be committed to Mr. Harper and Major Webster to report thereon.

"*Ulster county, ss.*—William Helms, on his examination on oath says, that he has been a resident of New-Haven, in Connecticut, for two years past; that he has not any certificate from the committee, or any proper officer; that he is friendly to the American States; that he is not well acquainted in Dutchess county; that three weeks after he came into this State he was employed by the commissary for the State of Connecticut; that he exchanged salt, gin and rum for the flour he transported out of this State in October last; that he first came to trade in this State the week before Fort Montgomery was taken; that he exported only eighteen barrels of flour out of this State, on his own account, before he was employed by the Commissary-General; that the flour and meal stopped at Fredericksburgh, in the hands of Jeremiah Burges, Nathan Crosby, Theodorus Crosby, and one Jones, was 18 barrels of flour, and eight barrels of cornel, and two barrels of wheat, which was transported to Norwalk; that eight of those barrels belonged to Samuel Fairchild of New-Haven, and that he the said Wm. Helms has not at any time transported any other flour or meal out of this State; that the said flour and meal was sent to the care of Samuel Little of Norwalk, and from thence carried to New-Haven; that he has seen one Abbot, at Norwalk, and heard of him often, but is not much acquainted with him; that on the 13th instant he was appointed by Jonathan Fitch, the commissary, to procure flour for him, and that the commissary furnished him with one hundred and two pounds five shillings, including the interest thereon, lawful money for that purpose; that on his coming into this State in consequence of the said appointment, he purchased wheat, and had the same manufactured; that for some of the said wheat he gave twelve shillings, and for other part fourteen shillings per bushel; that the same was manufactured at the mills of Samuel Verplanck; that the wheat so purchased will yield about fifty barrels of flour and cornel, and did cost on an average about 13*s.* 6*d.* per bushel; that since his appointment by Jonathan Fitch, he has not purchased any grain, flour, or meal, on his own account; that he imported into this State in sugar, gin, and 17½ bushels of salt, to the amount, as he sold, of about one thousand eight hundred and ninety-six dollars and one-fourth of a dollar; that he purchased for Commissary Fitch, two hundred and six bushels of wheat; that he has not bought any wheat or flour for himself, except the quantity above mentioned, unless James Burchim of Fredericksburgh, with whom he left some sugar, gin, and salt, may have bartered the same, or part thereof, for flour, meal, or grain; that he directed the said Burchim to dispose of his said sugar, gin and salt for any kind of produce, to those who had produce, and to sell for money to those who had no produce; that the 28 barrels of flour, and two barrels of wheat, which was for some time detained by order of Colo. Luddington, was detained until the examinant's character and reputation was mentioned to him, because Colo. Luddington had been informed, as he said, that flour was sent to Norwalk, and from thence transported to the enemy; that he, this deponent, has been informed that one Jarvis lately (on last Sunday last a week, to the best of his remembrance,) went off from Norwalk in a boat with forty barrels of flour, and went into Huntington harbour; that he left the 28 barrels of flour and meal, and two barrels of wheat, herein before mentioned, at New-Haven, when he came last from thence; that ten barrels of the said flour was to be sent to a person at Norwich, (to wit, to Christopher Leffingwell as he supposes,) in payment for salt purchased by the said Samuel Little, herein before mentioned.

"And the deponent farther deposeth and saith, that Jonathan Fitch of New-Haven, acts as a commissary, in Con-

necticut, for the forces that go through that State, or are stationed in the same; that the said Jonathan Fitch did appoint him, the deponent, to purchase flour for the public use, as commissary; that the said Jonathan Fitch wrote the appointment, or certificate, produced by the deponent in his, the deponent's presence; that if the Council of Safety should think proper to grant a permission to transport the flour which the deponent has applied for license and permission to transport, he will use his best endeavours to have the same transported to New-Haven, and delivered to the said Jonathan Fitch, or his order; that the said Jonathan Fitch is not concerned in any trade or traffic as a merchant, to his, the deponent's knowledge or belief, and that he verily believes that the said flour for which he, the deponent, applies for a license and permission to transport out of this State is intended to be applied, and will be applied, for the support of the troops or militia of the said State of Connecticut, or of the United American States, that may pass through or be stationed in the said State of Connecticut, and to, or for no other use or purpose whatsoever. And farther the deponent saith not.

"WILLIAM HELMS.

"Sworn this 27th day of November, 1777, before me, }
"EVERT BANCKER."

"*By the Council of Safety for the State of New-York:*

"License and permission is hereby granted to William Helms of New-Haven, in the State of Connecticut, to transport out of this State of New-York fifty barrels of flour to New-Haven aforesaid, to be delivered to Jonathan Fitch, Esqr. at New-Haven as commissary for the support of the troops, or militia of the said State of Connecticut, or of the United American States that may pass through, or be stationed in the said State of Connecticut; the said William Helms having given such assurances by oath that the said flour shall be applied for the uses above mentioned, as were required by this Council."

Mr. Abraham Schenk, one of the commissioners for maintaining and providing for the poor refugees now in Dutchess county, gave satisfactory evidence to the Council that the said commissioners are in want of a further advance of cash:

Ordered, That the Treasurer of this State advance to Abraham Schenk and Gideon Ver Veelen, the commissioners for providing for the said poor in Dutchess county, or either of them, for that use, the sum of four hundred pounds, on account, and take a receipt for the same.

Resolved, That the poor in Dutchess county in the charge of Abraham Schenk and Gideon Verveelen, commissioners appointed for that purpose, be entitled to receive their proportion of the salt allotted to that county with the other inhabitants thereof; and that the commissioners for distributing the said salt be authorized and required to deliver to the said Abm. Schenk and Gideon Verveelen, (they paying for the same at the rate the said salt is directed to be sold,) for the use of the said poor, three quarts per head for so many of the said poor as the said Abraham Schenk and Gideon Verveelen shall certify they now have under their direction, the want of certificate that the said poor, or any of them, are well attached to the American cause notwithstanding.

P. M. November 27, 1777.

The same members as this morning, with Colo. Snyder.

WHEREAS, in the late regulations made by this Council by their resolution of the 21st day of November instant, to permit the exportation of flour and meal from this State to the States of Connecticut, Massachusetts Bay, Rhode-Island and Providence Plantations, and New-Hampshire, in exchange for salt; no provision was made for licensing the exportation of flour and meal by the commissaries appointed in the said several States respectively, for victualing the troops within the same, that shall from time to time be in the actual service of the said several States, or any other of the United States, or in the Continental service; by reason whereof, the embargo lately laid against the exportation of flour, meal and grain out of this State, will prevent the said commissaries from obtaining out of the same such supplies of flour and meal as will be necessary for the use and purpose aforesaid, unless some special provision be made in the case by this Council:

Resolved, therefore, That as often as any of the said commissaries, or their assistants or agents, shall have need to export flour or meal for the use and purpose aforesaid, out of this State, they and each of them shall be, and are hereby severally entitled to the benefit of the said resolution for the exportation of flour and meal for the use and purpose aforesaid, for salt for money; and instead of the oath prescribed by the said resolution, shall, before any license shall be granted to him or them for such exportation as aforesaid, by any of the commissioners to be appointed to grant licenses by virtue of the said resolution, take and subscribe the following oath, before such of the said commissioners as shall grant the license, to wit:

"I, A B, of, [mentioning the place and State wherein he shall reside,] do solemnly and sincerely swear and declare, that I am duly appointed commissary, [or assistant commissary, as the case may be,] for supplying the troops within the State of [here insert the name of the State with provisions,] that I will not purchase in and export out of this State any flour, meal or grain whatsoever, other than such quantities thereof as I shall receive license for, of equal date herewith, from one of the commissioners appointed for licensing the exportation of flour out of this State, by virtue of a resolution of the Council of Safety of the same, dated the 21st day of November, in the year of our Lord, 1777, and that no part thereof shall be applied by me or by any other person with my consent or permission, to any other use or purpose than is herein above mentioned; and that I will not under colour of the said license, export out of this State any flour or meal for my own or any other private use whatsoever, so help me God:" And further, that every such license so to be granted as aforesaid, by virtue hereof, shall express the use to which the flour, or meal, or grain, therein licensed for exportation shall be applied; and that every such oath and license to be taken and granted by any of the said commissioners by virtue hereof, shall be registered by the commissioner taking and granting the same, in the same manner as is required with respect to oaths to be taken and licenses granted by virtue of the said resolution of the 21st day of this instant month of November.

Ordered, That the further consideration of the aforegoing resolution relative to the exportation of flour and meal, be postponed till to-morrow.

Ordered, That the Treasurer of this State advance to Mr. Abraham B. Bancker, commissary of prisoners of war in this state, the sum of one hundred and fifty pounds on account.

Ordered, That the Treasurer of this State pay unto Daniel Dunscomb, Esq. the sum of twenty-four shillings for two pair of snuffers, two pair of hinges, and one lock, for the use of the General Assembly of this State.

The committee appointed to wait on His Excellency the Governor, to confer with him on the expediency of putting an end to the session of this Council either by calling the Legislature of this State or the Convention thereof, reported as follows, to wit:

"That they had waited on His Excellency at New-Windsor, and had conferred with him upon the subject. That His Excellency informed them that Congress had determined to have works and fortifications erected at the Highlands for the defence of the river in the best manner possible, and committed the superintendence of it to him; and that he could not, consistent with a proper attention to this

matter, attend to public business at any place farther distant from New-Windsor, than Poukeepsie; that His Excellency conceived it most expedient to put an end to the session of this Council by calling a meeting of the Legislature, and therefore proposed the Legislature should be convened by his proclamation at Poukeepsie very early in the month of January; that thereupon your committee agreed that Mr. Benson should proceed to Poukeepsie to inquire whether accommodations could be procured there for the Legislature; that His Excellency wished that the Council would take the matter into consideration as soon as possible, and inform him of their opinion; that His Excellency was very desirous to hold a council of appointment to appoint magistrates in different parts of the State, and requested this Council, by circular letters, to inform the members of the council of appointment thereof; and Mr. Benson reported that he had been at Poukeepsie, and had assembled the principal inhabitants of that place, who had agreed to accommodate the members with board, agreeable to the list which Mr. Benson delivered in to the Council."

And, the same being taken into consideration, it was

Resolved, That it be recommended to His Excellency, the Governor, by his proclamation to convene the Legislature at Poukeepsie as early in the month of January as possible.

DIE VENERIS, 10 HO. A. M.
November 28, 1777.

The Council met pursuant to adjournment.

PRESENT—Evert Bancker, Esqr. *President pro tem.*

Mr. Scott, Mr. Benson, Mr. Snyder, Mr. Harper, Mr. Dunscomb, Mr. Webster, Mr. Pawling, Mr. Van Zandt.

The committee to whom was referred the petition of Isaac Van Vleck, delivered in their report, which was read and filed. And it was thereupon

Resolved, That this Council did not, by discharging Isaac Van Vleck from confinement, intend to exempt his estate from sequestration.

Mr. Dunscomb dissented.

The committee to whom was referred the letter from the committee of Rhinebeck, reported on that part thereof which relates to the practice of horse racing, was read and filed. Thereupon

Resolved, That the practice of horse racing is prohibited by the eighth article of the general association; and that the said committee have full power to put the same into execution.

Resolved, That the committee of sequestration, in the respective counties in this State, be and they are hereby directed to deposit without delay, into the treasury of this State, all the gold and silver, and all wrought plate belonging to the estates of persons gone over unto or who are with the enemy, which they may have seized and taken into their possession; and that the plate and money seized from the estate of each such person be put up in one package, and each package marked with the name of the person from whose estate the same was so seized and taken.

The committee to whom was referred the several resolutions of Congress, reported; which was read and agreed to, and is in the words following, to wit:

"Your committee to whom was referred the resolutions of Congress, of July , August the 28th, September the 3d, October the 14th, and October 17th last, do report with respect to the first resolution, that it ought to be transmitted to His Excellency the Governor, with whom your committee conceive it lies to appoint persons to raise recruits and secure deserters, agreeably to the directions of the resolution. Your committee however think it would not be improper, if the Council are acquainted with any persons proper for the office, to mention them to His Excellency for his approbation.

"With respect to the second resolution, that proper provision is already made by the laws of this State for apprehending persons supposed inimical to the cause of America, and that it does not appear that any meetings of sufferings have been held by the people called Quakers, in this State.

"With respect to the third resolution, that a bill should be brought in at the next session of the Legislature, appointing commissioners to procure tents, arms and other military stores, blankets, clothing, medicines, and other necessary articles for the use of the military of this State; and that the quantity of military stores manufactured in this State, if any, is so small that it is altogether unnecessary to report it to Congress.

"With respect to the fifth resolution, that a bill ought to be brought into the Legislature, at their next meeting, for completing the five Continental battalions, raised within this State. Also a bill for the more effectual apprehending and securing deserters from the service of these States, and detecting and punishing persons who shall knowingly conceal or assist such deserters, or detain, buy, exchange or receive any horse, arms, accoutrements or clothes belonging to these States, from any soldier, trooper or mariner in the service of the said States."

FRIDAY AFTERNOON, *November* 28, 1777.

PRESENT—Evert Bancker, *Prest. pro tem.*

Mr. Scott, Mr. Benson, Mr. Livingston, Mr. Snyder, Mr. Harper, Mr. Van Zandt, Mr. Webster, Mr. Dunscomb.

The committee to whom was referred the letter from the committee of Rynbeck precinct, charging Robt. Livingston, Esqr. with selling bar iron at £17 per hundred, reported the following resolutions, which being read, were approved and adopted as the unanimous act of this Council, to wit:

Resolved, That it is the duty of this Council to take notice of the complaint against the said Robert Livingston, contained in the said letter.

Resolved, That copies of such parts of the letter as relates to the said complaint, and of these resolutions be, (by a special messenger to be procured for that purpose,) served on the said Robert Livingston, to the end that he may defend himself against the said charge.

Resolved, That the said Robt. Livingston, forthwith, (either by a personal appearance before this Council, or by letter, to be transmitted by the return of said messenger,) whom he is authorized to detain a reasonable time for that purpose, inform this Council whether the above matter charged against him is true; and particularly that he inform this Council of the highest price at which he has lately sold bar iron, and as nearly as the same can be computed of the difference of expense between the present time and the year 1775, of manufacturing a ton of refined bar iron from the ore at his iron works.

A letter from the committee of Albany, signed by their secretary, dated the 18th inst. with the documents therein enclosed, was received and read.

A copy of a letter from the committee of Tryon county, dated the fourteenth day of November instant, therein enclosed, relative to sending a party of troops to Unadilla, and an extract of General Gates's letter to the committee of Albany, were read, and are in the words following, to wit:

"IN COMMITTEE OF THE COUNTY OF TRYON,
"*November* 14, 1777.

"SIR—Notwithstanding the representations made by the chairman of this board, when last in Albany, we are again necessitated to apply for a few troops to be stationed on the southern frontiers of this county.

"We have lately had a scouting party to Unadilla, who gave us information that a large number of disaffected people have collected at that place, and from appearances, they were making preparations for some expedition. Some say it is meditated against the frontiers of Ulster county, while others say it is intended against this county.

"Unadilla is a receptacle for all deserters from the army, runaway negroes, and other bad people. We therefore judge it extremely necessary to have that nest entirely eradicated; and until that is done, we never can enjoy our possessions in peace, for those villains carry off all the cattle they can find, besides robbing the well affected inhabitants.

"We are, gentlemen, your humble servants.

"By order of the committee,

"PETER S. DEYGART,

"*Chairman.*

"To JOHN BARCLAY, Esqr."

The extract of General Gates's letter, in answer thereto, was as follows, viz:

"Col. Van Schaick reports that Unadilla is near 70 miles southwest of Cherry Valley; that there is no means of sending supplies or maintaining troops when they are there; besides, he is certain that any tories or disaffected Indians that may be there will, on the approach of any party to rout them, immediately disperse."

SATURDAY MORNING,

November 29, 1777.

PRESENT—Evert Bancker, Esqr. *Prest. pro tem.*

Mr. Harper, Mr. Webster, Mr. Duscomb, Mr. Snyder, Mr. Benson, Mr. Ph. Livingston.

The weather being very stormy, no other members attended; and for want of another member of the quorum, the Council could not proceed to business.

MONDAY, A. M.

December 1, 1777.

The Council met pursuant to adjournment.

PRESENT—Evert Bancker, Esqr. *Prest. pro tem.*

Mr. Benson, Mr. Paulding, Mr. Snyder, Mr. Harper, Mr. Livingston, Mr. Scott, Mr. Dunscomb, Mr. Webster.

A letter from the Honble. Jas. Duane, Esqr. was read, and follows, viz:

"*York Town, Pens. 22d Novr.* 1777.

"DEAR SIR—I am greatly obliged to you for your acceptable favour. All the news I can collect I have by this opportunity conveyed to the Honourable Council of Safety. As it will fall, of course, into your hands, it is needless to repeat the intelligence. You soon will receive the Confederation, with an address to convene the several Legislatures to ratify it; and a plan of taxation, and for supplying the army on more reasonable terms. The wealth of the Indies would not support the war, as it is now conducted. Indeed, it is impossible longer to gratify the avidity of the people, who set no bounds to their sharping and extortion.

"Mr. Morris has not yet made his appearance, nor Mr. Lewis. I must have patience, for I dare not, in the present circumstances, leave our State unrepresented. My heart bleeds for the misfortunes of our friends of Kingston, and the eastern shore. Our implacable enemies seem to have taken leave of the feelings of humanity, and to exult in a predatory war, which would disgrace the fiercest savages. That God in whom we trust, will, I hope, inspire us with vigour and fortitude, and enable us to put a speedy termination to these trying calamities.

"Adieu, my dear sir, and believe me, with truth,

"Your most obdt. humble servant,

"JAS. DUANE.

"JOHN MCKESSON, Esqr."

Col. Paulding, Major Webster and Egbert Benson, Esquires, delivered in a memorandum of the moneys by them expended in going to His Excellency the Governor, at New-Windsor, and returning, in obedience to an order of this Council, passed the 21st of November last, amounting to five pounds eighteen shillings.

Ordered, That the Treasurer of this State pay to Col. Levi Pawling, or his order, the said sum of five pounds eighteen shillings, and take a receipt for the same.

Ordered, That the Treasurer of this State pay to Robt. Benson, Esqr. one of the Secretaries, twelve dollars, for the like sum by him advanced for the State to James Campbell, on the 24th day of November last, for carrying the resolutions of the Council of Safety (relative to the exportation of flour and meal out of this State) to the chairmen of the committees of the north and south sides of the mountains in Orange county and to the chairman of the committee of Ulster county.

MONDAY, *P. M. December* 1, 1777.

Council met pursuant to adjournment.

PRESENT—Evert Bancker, Esqr. *Prest. P. T.*

Mr. Scott, Mr. Benson, Mr. Pawling, Mr. Snyder, Mr. Harper, Mr. Dunscomb, Mr. Webster, Mr. Phil. Livingston, Mr. Rowan.

Matthew Adgate, Esqr. one of the commissioners of sequestration for the lower district of the county of Albany, in behalf of the said commissioners, laid the case of William H. Ludlow before this Council, from which and from the papers attending the same, it appears that the said William H. Ludlow has in his possession at Claverack divers goods, chattels and effects, belonging to Gabriel H. Ludlow and Charles Shaw, in copartnership, who are now with the enemy; which goods, chattels and effects the said Wm. H. Ludlow claims the detention from the said commissioner for the following reasons, to wit: That Henry Ludlow, his father, had invested the said copartnership with a considerable share of his property, to the amount of three thousand pounds and upwards, to be so far benefitted himself by the said investiture as to receive an ample, handsome and competent supply for himself and his family from the advantages arising from the trade of the said copartnership if it should prove successful. That the said Wm. H. Ludlow has received and is possessed of the family furniture and the clothing of such of the family as are with him, with some articles of merchandise belonging to the said company, lodged in his hands for sale, to answer the calls of the said family during the present troubles; and that the said William H. Ludlow and other persons whom the said commissioners suspect can give full and particular information of the said goods, chattels and effects, do refuse to be examined fully upon oath touching the same, pursuant to the resolution of the Convention of this State, of the 6th day of March last, and another resolution of the Council of Safety of this State, of the 5th day of September last; upon which case the said commissioners pray the advice of this Council for removing certain doubts thereon. It is therefore

Resolved, That the said commissioners ought, without delay, to carry into effectual execution the said resolution of the 5th day of September, against all such persons who, being required by the said commissioners, shall refuse or delay to give such information on oath relating to the said case, as by the said resolutions, or either of them, is directed.

Resolved, That upon discovery of any goods, chattels and effects, or any part thereof, belonging to the said Gabriel Ludlow and Charles Shaw, or either of them, absolutely or in manner aforesaid, the said commissioners ought forthwith to seize and take the same into their custody; but that they desist from the sale thereof until they shall have made report to this Council of their proceedings herein and have received further directions of this Council thereon.

And to enable the said commissioners the more effectually to do their duty in the premises, and because of the aforesaid refusal of the said Wm. H. Ludlow and the said other persons to be examined fully on oath before the said commissioners touching the same:

Resolved, That the said commissioners, or any two of them, be, and they are hereby, authorized and empowered

to enter into any houses and places wherein they shall have reason to suspect any of the goods, chattels and effects are concealed, and to break open any building or dig up any soil for the purpose of seizing and possessing themselves of the same.

Resolved, That the commissioners of sequestration in the respective counties in this State, or any two of them in their respective counties, be, and they hereby are authorized and empowered to enter into any houses and places wherein they shall have reason to suspect any goods, chattels or effects of persons gone over to or with the enemy, to be concealed, and to break open any building or dig up any soil for the purpose of seizing and possessing themselves of such goods, chattels and effects.

A draft of a circular letter to the members of the Legislature, was read and approved, and is in the words following, vizt:

"*Hurley, Decr. 1st*, 1777.

"SIR—I am directed by the Council of Safety to inform you that His Excellency the Governor has issued his proclamation convening the Legislature at Poughkeepsie on the 5th day of January next, and to request your punctual attendance.

"The Council intend by a proper adjournment to be made in the meantime, to meet at Poughkeepsie on the 17th instant, and earnestly request your attendance there also, as they are extremely anxious that a sufficient number of members should there be assembled to form a Convention, not only for the despatch of some very important business now before them, but also to prepare matters previous to the meeting of the Legislature, and by that means shorten the duration of the next session.

"I am, sir, your obedt. servant,

"By order."

Ordered, That copies thereof be signed by the President, and transmitted.

Resolved, That Zephaniah Platt and Gilbert Livingston be authorized and requested to employ an agent to purchase forty tons of hay and five hundred bushels of oats, rye, Indian corn and buckwheat, and deposit the same in proper magazines at Poughkeepsie, for the use of the Legislature.

Capt. Abraham Lewis informed the Council that he had used his utmost endeavours to raise the Continental galley, named Lady Washington, now sunk in the Roundout kill, and that his attempts have proved unsuccessful.

The Council thereupon directed him to make report thereof to His Excellency the Governor: And,

Ordered, That the men belonging to the vessel commanded by Capt. Benson, who have been employed in attempting to raise the said galley, proceed with Capt. Lewis to New-Windsor.

FRIDAY MORNING, 10 HO.

December 2, 1777.

The Council met pursuant to adjournment.

PRESENT—Evert Bancker, Esqr. *Prest. pro temp.*

Mr. Scott, Mr. Harper, Mr. Livingston, Mr. Benson, Mr. Snyder, Mr. Rowan, Mr. Dunscomb, Mr. Webster.

WHEREAS by the sinister practice of many of the agents in the commissary's department of the Continental army, to advance their own private emolument at the public expense, the price of flour furnished to the troops has been raised to a most exorbitant height:

Resolved, therefore, That Mr. Scott, Mr. Pawling and Mr. Harper, or any two of them, be and they are hereby appointed a committee to inquire into the aforesaid sinister practices, and report thereon with all convenient speed; and to that end that they be, and they are hereby authorized and empowered to send for persons and papers, and to examine witnesses on oath, and to commit for contempt.

The petition of John Gibson, John Todd and twenty others, from Charlotte county, was read and follows, vizt:

"*To the Honourable the Council of Safety for the State of New-York.*

"The petition of the subscribers in the county of Charlotte most humbly sheweth:

"That your petitioners are for the most part emigrants from Ireland, who lately settled here, and have always done military duty when called; and at the late retreat from Ticonderoga, some of us fought our way through an ambushment of regulars and Indians and brought in 7 prisoners.

"Arriving at home, we saw some flying towards other States, though it was said they were on the eve of a famine, and had set guards to prevent our entry among them. All our families, wanting wagons and cash, could not remove; while your petitioners were busy erecting a fort in New-Pearth by Genl. Schuyler's orders, (our army retreating,) a written message arrived from Burgoyne's camp, peremptorily denouncing military vengeance on us if we went not to him speedily for protection. Meantime, 9 persons were barbarously murdered by the savages beside us—the Indians killing and making prisoners all they found moving southward—the woods being full of them, our wives and children filled with horror; your unhappy petitioners, at last overcome with panic, very unhappily fled into the rear of Burgoyne's camp, but yet lived on our own provisions, refusing to lift arms, and not more than 4 of us took any oath to them. At last, hearing that the Honourable Council had passed an act of grace, your petioners made several attempts to escape and claim the benefit thereof, but were prevented by their double guard, and some of us twice confined; yet about 7 of us escaped a few days before the happy surrender, but obtained not the benefit of said act.

"Now, your distressed petitioners humbly beg leave to surrender themselves to the Honourable Council, humbly confessing their great offence in flying to Burgoyne's camp. We prostrate ourselves at the Council's feet, earnestly imploring their mercy and pardon, with protection of the laws; hereby humbly offering henceforth to defend the good cause of America.

"The Honourable Council's granting this petition will be a signal display of clemency, and will effectually bind your petitioners and all their connection to this State by every principle of gratitude and love; and although above £500 worth of goods hath been already torn from your supplicants by scouting parties, yet your acceptance of us would happily relieve from the terror of being murdered in the night season by those who please again to fire sharp shot at your petitioners' houses, women and children, who being disarmed and confined to our farms by the committee, can not make a personal surrender of ourselves to the Honourable Council, but as in duty bound shall pray.

"James Craig,	"David McKnight,
his	"James Means,
"Adam ⋈ Getty,	"James Beaty,
mark,	"Alexander Means,
"Duncan McArter,	"John McKnight,
"Peter McEwen,	"John Means,
"Daniel Livingston,	"Samuel Burns,
"Robt. Creghton,	"Thomas Beaty,
"John Chambers,	"William Beal,
"William Bell,	"Robert Caldwell,
"John Gibson,	"David Scott,
"John Todd,	"John Cloghen."

Resolved, That the consideration of the said petition be referred to the Legislature, and be laid before them at their next meeting. In order, notwithstanding, to prevent bloodshed and other irregularities, and that the petitioners may be enabled to provide for their families, who otherwise may become chargeable to the public,

Resolved, That the said petitioners in the meantime be permitted to remain on their respective farms and be pro-

tected in their respective persons and estates; provided, nevertheless, that nothing in these resolutions contained, shallb e construed to restrain the powers and authorities of the committees or commissioners of sequestration in the county of Charlotte.

TUESDAY, *December* 2, 1777.

PRESENT—The President *pro tem.* and the same members as in the forenoon.

No material business was done.

WEDNESDAY MORNING,
December 3, 1777.

PRESENT—Evert Bancker, Esqr. *President pro tem.*

Mr. Scott, Mr. Benson, Mr. Phil. Livingston, Mr. Rowan, Mr. Harper, Mr. Dunscomb, Mr. Webster, Mr. Ebenezer Clarke, Mr. Pawling, Mr. Snyder.

Ordered, That the Treasurer of this State pay unto Roeloff Elting the sum of thirty-two pounds four shillings, for going with despatches from this Council to the Honourable the General Congress, at York Town, in Pennsylvania, and returning.

Resolved, That at some future day this Council will adjourn to meet at Poughkeepsie, in Dutchess county, on the seventeenth instant.

A letter from His Excellency the Governor, dated the 1st inst. and received by John McLean, (the rider,) was read, and follows, vizt:

"*Little Britain, 1st Decr.* 1777.

"GENTLEMEN—I have received your letter of the 30th ultimo, with the resolve of your Board enclosed therein. In consequence of which, I shall issue a proclamation for convening the Legislature at Poughkeepsie, on Monday the 5th of January next.

"I have not a word of late news from the southern army. We have flying reports of an attempt against Fort Mercer, in which the enemy were repulsed with great loss; but not in such a way as to be depended on. A small party from our advanced water guard, a few nights ago, slipped down in a dark night, passed the enemy's shipping, and burnt General Delancey's house, at Bloomingdale, took two prisoners and returned safe. Different parties of Genl. Dickinson's troops have been on Staten island, but with what success I have not yet learned. Other small parties have been at Bergen and Hobock, where they took a few prisoners and some horses.

"I am, with due respect,
"Your most obedt. servt.
"GEO. CLINTON.

"*P. S.* I shall depend on your Secretaries to issue the circular letters, as I am without help.

"The Honble. the Council of Safety, Hurley."

P. M. December 3, 1777.

PRESENT—The same members as the morning, except Mr. Benson, who went home with leave.

The Council having passed the afternoon in examining the accounts of Major Wheelock and Capt. Samuel Paine, adjourned without coming to any final determination thereon.

THURSDAY MORNING,
December 4, 1777.

The Council met pursuant to adjournment.

PRESENT—Evert Bancker, Esqr. *President pro tem.*

Mr. Pawling, Mr. Webster, Mr. Phil. Livingston, Mr. Scott, Mr. Snyder, Mr. E. Clarke, Mr. Harper, Mr. Dunscomb.

A letter from the committee of Albany, dated Novr. 2d last, relative to Andrew Palmetier, a captain who enlisted men in the enemy's service, and principal ringleader in robbing and destroying the effects of our friends on the east side of Hudson's river, and requesting that the judge may be directed to hold a court of oyer and terminer at Albany, to try the offender, was read and filed.

The Council were informed by a member, that Capt. Samuel Paine is gone to wait on the Vice-Treasurer, with intention to receive of him the moneys due for the said Saml. Paine's pay and rations; and the Council not being informed whether Capt. Paine has credited the State for the sum he received of Major Jno. Wheelock,

Ordered, That the President write to the Vice-Treasurer, and direct him not to pay any money to Capt. Samuel Paine, until the further order of this Council, and that he therein direct the Vice-Treasurer (and Auditor-General, if he is returned home,) to attend this Council as soon as conveniently may be.

Ordered, That the said letter be sent by John Van Duersen as a messenger.

FRIDAY MORNING,
December 5, 1777.

The Council met pursuant to adjournment.

PRESENT—Evert Bancker, Esqr. *President pro tem.*

Mr. Dunscomb, Mr. Harper, Mr. Livingston, Mr. Snyder, Mr. Webster, Mr. Clarke, Mr. Pawling, Mr. Scott, Mr. Rowan.

A letter from Andrew Billings and Peter Tappen, Esqrs. assistant commissioners for conspiracies at Poughkeepsie, dated the 4th instant, informing the Council that a factious spirit manifests itself at that place, originating chiefly on account of the Revd. Mr. Bardsley and Mr. Vandenberg, and requesting the directions of the Council relative to sending the Revd. Mr. Bardsley, and Mr. Vandenbergh to New-York, together with an anonymous letter, directed to the commissioners of conspiracies at Poughkeepsie therein enclosed, was received and filed; and the same being taken into consideration,

Resolved, That Peter Tappen and Andw. Billings, Esqrs. assistant commissioners of conspiracies, be authorized and directed to cause the Revd. Mr. Bardsley and Henry Vandenbergh, with their families, (male servants and slaves excepted,) to be removed to the city of New-York, and to permit them to take with them their wearing apparel, and necessary bedding and provisions for their passage, and no other goods or effects whatsoever.

FRIDAY, *P. M. December* 5, 1777.

The Council met pursuant to adjournment.

PRESENT—Evert Bancker, Esqr. *Prest. pro tem.*

Mr. Dunscomb, Mr. Harper, Mr. E. Clark, Mr. Snyder, Mr. Webster, Mr. Rowan, Mr. Van Zandt, Mr. Livingston.

WHEREAS the exportation of shoe leather out of this State proves extremely distressing to the inhabitants thereof, and renders the supplying of shoes to the Continental troops extremely difficult in this State,

Resolved, therefore, That no shoe leather shall henceforth be exported out of this State; and that as well all and every person or persons who shall export, or cause to be exported, any shoe leather out of this State, as all and every person or persons who shall sell the same to any other person or persons, he, she or they so selling the same knowing the same to be intended for exportation out of this State, shall forfeit and pay, for every such offence, treble the value of such leather, to be recovered by any person who shall sue and prosecute for the same; one moiety thereof to his own use, and the other moiety thereof to be paid into the treasury of this State.

Resolved, further, That every member of any general or district committee shall be, and hereby is, authorized and empowered to seize, and dispose of, at public vendue, any shoe leather that shall be attempted to be exported out of this State; and shall pay the moneys to arise by such sale

after deducting reasonable charges thereout, into the Treasury of this State, for the use of the same.

SATURDAY MORNING,

December 6, 1777.

The Council met pursuant to adjournment.

PRESENT—Evert Bancker, Esqr. *President pro tem.*

Resolved, That Cornelius Duboys is hereby authorized to gather, collect and secure all the iron and nails in the ruins of the court house and jail of Ulster county, lately consumed by fire, and which may be collected without further breaking of the walls; and that he render a true and perfect inventory thereof to the supervisors of the county of Ulster, at their next meeting, who are hereby directed and required to order a sum of money to be raised, in addition to the other necessary and contingent charges of the county, sufficient to pay the said Cornelius Duboys for his trouble, labour and expenses in the premises.

A letter from the committee of Ulster county, dated the 2d instant, and signed by Daniel Graham, their chairman, was read. They therein complain that the quantity of salt allotted for the inhabitants of Ulster county, has not been received; that they have reason to believe that the agents appointed to purchase public salt for the inhabitants of this State, have appropriated the benefit of purchasing salt to their private emolument, to enhance the price; and praying an inquiry to be made by this Council in the premises.

Resolved, That Abm. P. Lott, Esqr. be requested to attend this Council on Tuesday next, to produce the accounts of salt by him purchased for this State, and to give such further information in the premises, to this Council, as may be necessary.

A draft of a letter to Daniel Graham, Esq. informing him of the said resolution, was read, as follows, viz:

"IN COUNCIL OF SAFETY,
"*Decr. 6th*, 1777.

"SIR—The Council have received your letter of the 2d inst. signed by order of the county committee; and having by resolution appointed Tuesday next for the attendance of Abm. P. Lott, Esqr. with the accounts of the salt by him purchased by order of the State, we doubt not but such accounts will be then exhibited, and such measures adopted as ought to satisfy the good people of the county. You will please to attend the Council at that time, with such proofs as are in your power, to support the charge in your said letter.

"I am, sir, your very humble servant.
"By order."

Ordered, That a copy thereof be engrossed, and signed by the President, and transmitted.

On reading the petition of Katharine Kittle, the wife of Andriers Kittle, who has gone over to the enemy, in consequence of which his estate has been seized by the commissioners of sequestration, by which said petition she prays leave to retain that part of her husband's estate which was derived from her; and on reading also the affidavits of James McNeill and Jacob Van Hoezen, setting forth her steady attachment to the cause and liberties of America,

Resolved and Ordered, That the commissioners of sequestration for the southern district of the county of Albany do, by the examination of the said Catharine Kittle on oath, and by the examination of such other persons on oath as they shall think proper, ascertain the effects which the said Andries Kittle derived from, or acquired by, his said wife Catharine; that they inventory the same accurately, but defer the sale thereof, and permit them to remain in the care and custody of the said Catherine, until further order.

Genl. Scott obtained leave of absence to go to Poughkeepsie.

SATURDAY, *P. M. December* 6, 1777.

PRESENT—Evert Bancker, *Prest. pro tem.*

Mr. Paulding, Mr. Webster, Mr. Harper, Mr. Livingston, Mr. Snyder, Mr. Rowan, Mr. Dunscomb, Mr. Van Zandt, Mr. E. Clark.

On reading the affidavit of Elijah Townsend, stating that a certain Mr. Helms was transporting and had transported large quantities of flour and meal from Fishkill into the State of Connecticut, and also on reading the letters of Col. Henry Luddington, Joseph Crane, Junr. Jonathan Paddock and Elijah Townsend, on the same subject—the same being considered, the draft of a letter in answer thereto was prepared and agreed to, in the words following, vizt:

"IN COMMITTEE OF SAFETY,
"*Decr.* 6, 1777.

"GENTLEMEN—We are favoured with your letter of the 3d instant, relative to a large quantity of flour which Wm. Helms is said to be transporting out of this State. We enclose you a copy of the oath of the said Wm. Helms, taken in this Council on the 27th of last month, and a copy of our license to transport fifty barrels of flour only, to New-Haven, to be delivered to Jonathan Fitch, commissary there, for the support of such troops as are mentioned in the enclosed copy of the affidavit of the said Wm. Helms.

"We request you gentlemen, or either of you, by every means in your power, to make particular inquiry whether the said Wm. Helms has transported or attempted to transport any more than fifty barrels of flour, meal or any grain of this State, since the embargo laid by the resolutions of Council of the 11th of November, restraining the transportation thereof. And if you find he is guilty or has attempted to exceed the quantity permitted by the Council of Safety, you will, in that case, commit him to the jail of Dutchess county, there to remain until he shall be thence delivered by due course of law; and cause all the flour by him transported or attempted to be transported out of this State, to be seized, brought back and detained within the State until further order. And in case you shall commit the said William Helms to the Dutchess county jail, the sheriff of Dutchess county and the keeper of the said jail is hereby required to receive and keep the said Wm. Helms until he shall be thence delivered by due course of law.

"We are much obliged to you, gentlemen, for your care and vigilance on this occasion, and wish the most diligent inquiry may be made in the premises.

"We are, with respect, gentlemen,
"Your very humble servant.
"By order.

"To Col. HENRY LUDDINGTON, Messrs. JOSEPH CRANE, Jr. JONATHAN PADDOCK and ELIJAH TOWNSEND, Dutchess county."

Ordered, That a copy thereof be engrossed, and signed by the President and transmitted.

Adjourned until Monday next at 10 o'clock A. M.

MONDAY, A. M.

Hurley, December 8, 1777.

PRESENT—Evert Bancker, Esqr. *President pro tem.*

Mr. Pawling, Mr. Harper, Mr. P. Livingston, Mr. Dunscomb, Mr. Webster, Mr. Clarke, Mr. Rowan.

No other member attending, the Council could not proceed to business for want of a quorum. The members present adjourned to meet at 10 o'clock to-morrow morning.

TUESDAY, A. M.

Hurley, December 9, 1777.

The Council met pursuant to adjournment.

PRESENT—Evert Bancker, Esqr. *President pro tem.*

Mr. Pawling, Mr. Harper, Mr. Van Zandt, Mr. Clark, Mr. Scott, Mr. Webster, Mr. Schoonmaker, Mr. Rowan, Mr. Dunscomb, Mr. Snyder, Mr. Livingston.

Upon information received that Jacobus Bessemer and another person named Tremper had been seen this morning at Jack's tavern, on Stone Ridge, with a wagon load of leather, which they were conveying, contrary to a resolution of this Council, out of this State, to Bethlehem, in Pennsylvania. The Council taking the same into consideration, ordered a warrant to be made out to apprehend and seize the said Besemer, Tremper and leather, and them, with the said leather, forthwith to bring to this Council, that they may be dealt with as the said Council shall direct.

Catharine Emans having made application to this Council, relative to some effects belonging to her son Isaac Van Vleck, which she says were lately seized by the commissioners of sequestration, and without which she and her three grand children would be reduced to great extremities.

Resolved, That it be, and it is hereby recommended to the commissioners of sequestration, in the southern district of the county of Albany, to take an inventory of the goods, chattels and effects, now or lately belonging to the said Isaac Van Vleck, (except such live stock and grain as herein after mentioned, and to permit said goods, chattels and effects so inventoried to remain in the possession of her, the said Catharine Emans, taking her bond in a sufficient penalty with condition to deliver the said goods, chattels and effects to such person or persons as shall be authorized to demand the same, by this Council, or the future Legislature of this State; that the live stock, consisting of four cows, two oxen and twelve or fifteen sheep, and grain not exceeding thirty bushels, be left in the possession of the said Catharine, without inventory, for the support of the family. The said Catharine Emans having further shewn to this Council that she had in the absence of her son caused to be manufactured a quantity of leather, amounting to about thirty-five pieces; so much whereof as is due to the manufacturer, this Council conceive ought to be permitted to remain with her as her own property.

Resolved, therefore, That the said commissioners permit the said Catharine Emans, to retain and dispose of so much of the said leather as belongs to the manufacturer, as she may think fit, without account to be rendered them for the same.

On application of Henry B. Livingston, Esqr. fifth colonel, and commanding the 4th Continental regiment raised in this State, made by Pierre Regnier, the lieutenant-colonel of the said regiment, for clothing for that regiment.

Ordered, That Mr. Jno. Henry deliver out of the clothing store of this State, to Lieut. Col. Regnier or his order, two hundred and fifty shirts, one hundred and sixty pair of shoes, one hundred pair of sheepskin breeches, and one hundred and fifty pair of men's woollen hose for the use of the said regiment, taking a proper receipt for the same; that Col. Henry B. Livingston, be accountable for the said clothing, and pay for the same to this State; and that Mr. Henry deliver with the said clothing a true invoice thereof, and transmit a copy thereof to this Council.

A letter from Robert Livingston, dated the 7th inst. directed to Robert Benson, Esqr. one of the Secretaries, in answer to the resolutions of the inst. relative to the price of his iron, was read and committed to Mr. Webster and Mr. Scott, to report thereon.

"3 *o'clock P. M. December* 9, 1777.

The Council met pursuant to adjournment.

PRESENT—Evert Bancker, Esqr. *Prest. pro tem.*

Mr. Scott, Mr. Webster, Mr. Livingston, Mr. Pawling, Mr. Harper, Mr. Snyder, Mr. Rowan, Mr. Schoonmaker, Mr. Dunscomb, Mr. Van Zandt, Mr. Clark.

The Council spent much of the afternoon in the further consideration of the account of Major-General Wheelock, produced by Captain Samuel Pain, without coming to any definite determination relative thereto.

Cornelius C. Schoonmaker represented to the Council, that he, in pursuance of a resolution of the Convention of the Representatives of this State, passed on the 8th day of May last, has since acted as commissioner for superintending such poor in Ulster county as have fled thither from the hand of tyranny and oppression; that he has expended the sum of five hundred pounds advanced to him by this State for the maintenance of the said poor, in pursuance of the said resolutions; that by reason of his necessary attendance on the Legislature as a member thereof, it is inconvenient and burdensome to him to act as commissioner for superintending the said poor; and that Jno. Sleght, Junr. who was appointed his colleague, has not to his knowledge, in several months paid any attention to that business; and that his place of residence is remote from the situation of most of the said poor; and Mr. Schoonmaker requested that some proper person in the said county may be appointed to superintend and provide for the said poor: Thereupon

Resolved, That the said Cornelius C. Schoonmaker and Jno. Sleght, Junr. be and are hereby are discharged from any further superintendence of the said poor; and that Mr. Abm. Bevier, of Shawangunk precinct, in Ulster county, be and is hereby appointed commissioner for superintending the said poor in Ulster county, with like powers, for governing and placing out the said poor as were granted to the said commissioners C. Schoonmaker and Jno. Sleght, Junr. by the said resolutions of the 8th of May last; and that the said Abraham Bevier, be and is hereby authorized to draw on the Treasurer of this State for a sum not exceeding the sum of five hundred pounds, to be accounted for by him the said Abm. Bevier, to this State.

AND WHEREAS the said Cornelius C. Schoonmaker, has represented further to this Council, that he has by experience found that the sum of ten shillings per day allowed by the said resolutions of Convention for the trouble and expense of superintending the said poor, while actually employed therein, has been insufficient to defray the necessary expenses of a commissioner in that business. Therefore

Ordered, That the Auditor-General, in settling the account of the sum of £500, advanced to the said Cornelius C. Schoonmaker, by the State, for the maintenance of the said poor, credit him with sixteen shillings per day for every day he shall have been actually employed in the said service; and that the like allowance be made to the said Jno. Sleght, Junr. for his services.

Danl. Graham, Esqr. chairman of the county committee of Ulster county, attending, in pursuance of an order of this Council, by letter of the 7th inst. was admitted. He informed the Council that he had not any proofs to offer in support of the charge of the county committee against Abm. P. Lott, Esqr. relative to the importation of salt; that the county committee had their information on that subject from Thomas Palmer, and informed the Council of the substance of that information.

Resolutions of the county committee of Ulster, dated the 2d instant, appointing David Bevier of Marbletown, Daniel Graham of New Paltz, Thomas Palmer of Newburgh, and James Hunter of Shawangunk, commissioners for granting licenses for the transporting flour, &c. out of this State, conformably to a resolution of this Council of the 11th November last, were received and read.

A letter from the said committee of Ulster county, dated the 2nd instant, relative to the appointment of committees, was read. Another letter from the same county committee relative to a provision for the poor families of persons taken prisoners or slain in the defence of Fort Montgomery, was also read.

Ordered, That the consideration of the two last letters be deferred until to-morrow.

Adjourned until to-morrow morning.

WEDNESDAY MORNING.

December 10, 1777.

The Council met pursuant to adjournment.

PRESENT—Evert Bancker, Esqr. *Prest. pro tem.*

Mr. Pawling, Mr. Harper, Mr. Schoonmaker, Mr. Scott, Mr. Webster, Mr. Snyder, Mr. Livingston, Mr. Rowan, Mr. Dunscomb, Mr. Van Zandt, Mr. Clark.

A letter from the committee of Ulster county, dated the 2nd instant, relative to the appointment of members of committees by the late Convention on the 7th of October last, was again read and follows, vizt:

"IN GENERAL COMMITTEE,
for the county of Ulster,
"*2nd December*, 1777.

WHEREAS the Honourable the Senate and Assembly for the State of New-York have thought proper to continue the several committees in this State, the general committee for the county of Ulster beg leave to inform the Honourable Council that it is not a little disagreeable to many of the inhabitants of this county: they being of opinion that no committee ought to be appointed but by the free electors of the people; insomuch that it is with difficulty that we can convene members enough to make a house to do business. It is also very disagreeable for many of the present members to serve in committees when at the same time the people tell them they have no right to act in that station on the footing they now stand. One member from Kingston attended, but refused to sit as a member of committee, saying that he would not intrude or encroach upon the liberties of the people by assuming an authority with which they had not vested him. Therefore this committee humbly begs that your Honours will appoint new elections for choice of committees in this county, as well general as district committees, (that is if you should be of opinion that committees should still exist,) and that your Honourable Board will please to signify your intentions thereof to the chairman of this committee before the last Tuesday of this instant, that being the day to which this committee is adjourned; as it will then be convenient for communicating your intentions thereon to the members of the different committees in this county.

"From, gentlemen, yours sincerely,
"DANL. GRAHAM, *Chairman.*

"By order of the Committee for
Ulster county."

Resolved, That the inhabitants of the respective counties and districts in this State who have not elected committees since the 7th day of October last, be and are hereby authorized and empowered to meet together and elect county and district committees in the manner they have heretofore usually elected them; and at the day or days of election in each respective county, be fixed and made public to the inhabitants thereof by the county committee in each county respectively, as soon as conveniently may be.

Ordered, That a copy of this resolution be transmitted by the Secretary to the chairman of the county committee of each county in this State by the first conveyance.

A letter from the county committee of Ulster, dated the 4th instant, relative to the provision for the poor families of persons taken prisoners or slain in the defence of Fort Montgomery, was again read and follows, vizt:

"GENTLEMEN—Application hath been made to this committee, that a number of the families of persons either killed or taken prisoners at Fort Montgomery, in the Highlands, are in a suffering condition in consequence thereof, and that some provision ought immediately to be made for them. This committee think it just that such families should be taken care of, but as they are reduced to this necessity on the account of their husbands being taken prisoners or killed in the defence of this State, or of the United States in general, that therefore it ought to be a State or a Continental charge, and make not the least doubt but that your honours will order some means whereby they may be supported; and as it is a matter of the first importance to those sufferers, we beg you will give directions to the chairman of this committee, as soon as conveniently may be, in what manner they are to be provided for. Common humanity, in the meantime, has induced us to give directions to the district committees, where such persons reside to provide for them.

"From, gentlemen,
"Yours, with the greatest esteem,
"By order of the committee for the county of Ulster.
DANL. GRAHAM, *Chairman.*

"*New-Paltz, Decr. 4th*, 1777."

And after mature consideration thereof,

Resolved, That this Council conceive themselves unauthorized to make any provision for the objects of charity mentioned in the said letter, and therefore are reduced to the necessity of referring them for relief to the Legislature of this State.

Hurley, P. M. December 10, 1777.

The Council met pursuant to adjournment.

PRESENT—Evert Bancher, Esqr. *Prest. pro tem.*

Mr. Pawling, Mr Webster, Mr. Dunscomb, Mr. E. Clark, Mr. Scott, Mr. Harper, Mr. Snyder, Mr. Rowan, Mr. Van Zandt, Mr. Schoonmaker, Mr. Livingston, Mr. Lott.

Abm. P. Lott, Esq. attended in pursuance of the order of this Council of the 6th instant, and the Council, after considering the letter of the committee of Ulster county, of the 2d instant, complaining that the quantity of salt allotted for the county had not been received, and praying an inquiry into the conduct of the agents appointed to purchase salt for the State, then proceeded to examine Mr. Lott, who produced memorandums of all the salt by him purchased. Whereupon, after some time spent therein, the further consideration thereof was postponed until to-morrow.

John Tremper, charged with having transported leather out of this State to Bethlehem, in Pennsylvania, was called in, and being examined on oath stated, that he is a tanner and currier, residing at Rynbeck, and brother to Jacob Trempor of Kingston, who, a short time before that place was burnt, sold the leather in question to John Mesle of Albany, at 3*s*. 6*d*. pr. pound, from whom he purchased 600 wt. at 6*s*. pr. lb. That in Octr. last a commissary at Bethlehem, whose name he does not recollect, requested him to bring him a load of leather at one dollar pr. lb. or the current price, if higher. That he had 902⅓ lbs. of leather, when informed by his brother Jacob the Council had sent for and would stop him, 600 lbs. of which is his, and the residue he supposes belongs to Mesle, for which he calculated to receive hides in payment.

Jacob Tremper of Kingston was also examined on oath, and mentioned the sale to Mesle as above stated, but declared that the 300 wt. supposed by John Tremper to belong to Mesle was his, the deponent's property, for which he wished to procure hides in exchange, but was entirely ignorant of an embargo being laid on the transportation of leather out of this State.

Whereupon the said Jacob Tremper and John Tremper were told to depart for the present.

The Council then adjourned until to-morrow morning.

THURSDAY MORNING, 10 HO.

December 11, 1777.

Council met pursuant to adjournment.

PRESENT—Evert Bancher, Esq. *Prest pro tem.*

Mr. Webster, Mr. Snyder, Mr. Livingston, Mr. Dunscomb, Mr.

Harper, Mr. Clark, Mr. Van Zandt, Mr. Pawling, Mr. Rowan, Mr. Scott, Mr. Lott.

Ordered, peremtorily, That Mr. Jno. Henry, the commissary of the clothing store in this State, do without delay attend this Council and produce to them full and particular accounts as well of all the clothing he has received and issued as of such clothing as still remains in store, pursuant to the order of this Council of the 7th day of November last.

And as the said Jno. Henry has neglected to comply with the said order of the 7th day of November last,

Ordered, That a messenger be sent with a copy of this resolution to the said Jno. Henry, and to be paid at his expense.

A letter from Andrew Billings and Peter Tappen, Esqrs. assistant commissioners of conspiracies, dated the 9th inst. informing the Council of certain outrages being committed at Poughkeepsie by certain factious individuals, consisting chiefly of the carpenters from New-York, two of whom, to wit, Alexander L. Miller and John McDonald, had surrendered themselves; and also requesting the advice of the Council relative to the effects of the Revd. Mr. Bardsley and Mr. Vandenbergh, was received and read.

A draft of an answer thereto was read and approved of, in the words following, vizt:

"In Council of Safety, }
"*Hurley, 11th Decr.* 1777. }

"Gentlemen—The Council of Safety are surprised you should be at a loss to determine the two questions you have raised on Messrs. Birdsley and Vandenbergh's case. With respect to the question, whether they are at liberty to sell effects to pay just debts due to the inhabitants, it is evident they can have no such indulgence; for besides the danger of covering their property by sale and payment of feigned debts, all the property they are to leave behind, must be subject to disposition by the authority of the State. In that case, honest creditors can be no losers; because there is justice enough in Government to discharge the demands of such creditors, as far as the property left behind will extend. Besides, to permit them to sell their effects and pay debts at their discretion, would be the most direct means to enable them to defraud their honest creditors. With respect to such effects as are claimed to be the property of Mr. Birdsley's children, the Council are of opinion that they can not be considered as exempted from seizure, because the father, who is an enemy to the State, can not be the proper guardian of their effects, especially as he is no longer a subject of this State, and is on the point of being sent out of it. If the children should hereafter become subjects of this State, and can make out their title to the moneys arising from the sale of the goods claimed in their behalf, those moneys will be found in the treasury to answer their demand in a course of equity. In short, as you are to send off the two families, except male servants and slaves, and to permit them only to take off their wearing apparel and necessary bedding and provisions for their passage, and no other goods or effects whatsoever, the express terms of the resolution of the 5th inst. might, we conceive, with a little attention, have removed all doubt.

"With respect to the dangerous seeds of faction, which you suppose are springing up at Poughkeepsie, the Council hopes that the removal of the two disaffected persons above mentioned will be an effectual means of preventing their growth, especially, as in addition to this reason, it appears that the two ringleaders have delivered themselves up, with marks of great penitence. However, we think this matter properly lies with the committee, who may bail or commit them at their discretion.

"We are, gentn.
"Your humble servts.

"To Andw. Billings and Peter Tappen, Esqrs.
Poughkeepsie."

Ordered, That a copy thereof be engrossed, and signed by the President, and transmitted by the messenger who brought the letter from Messrs. Tappen and Billings.

P. M. December 11, 1777.

Present—Evert Bancker, Esqr. *President pro tempore.*

Mr. Scott, Mr. Van Zandt, Mr. Livingston, Mr. Dunscomb, Mr. Webster, Mr. Lott, Mr. Snyder, Mr. Harper, Mr. Clark, Mr. Pawling.

An account of Samuel Van Steinbergh, of Kingston, amounting to nine pounds, for riding to Bethlehem to convey a packet of letters from Major-Genl. Gates to the Honourable the President of the Continental Congress, with a request to be forwarded by express, and returning, nine days at 20*s*. each, was exhibited for payment.

Ordered, That the Treasurer of this State pay to the said Samuel Van Steinbergh, or for his use, the said sum of nine pounds, and charge the same to Continental account.

Jacob Besemer, attending, was examined on oath, as a witness relative to the leather attempted to be exported by Jno. Tremper, who stated that he was employed by said Tremper to carry said leather as far as Broadhead's, and return from thence with a load of boards: that at Marble Town, Tremper was informed by Judge Wynkoop, of Marble Town, of the prohibitory resolve of the Council, to which he replied, it was not yet published in the newspapers, and that if stopped to-day he would find means to get off with it to-morrow; and then proceeded with it, and on his way told the examinant he was determined to proceed until stopped.

A petition of Jacob Tremper, showing that he is proprietor of 300lb. of the leather which Jno. Tremper intended to transport to Bethlehem; that he did not know, and never heard of any prohibition to the transportation thereof; also, setting forth his late distresses by the burning of Kingston, whereby his loss could not be computed at less than £1,800, and submitting his case to the wisdom and mercy of the Council, was read.

Ordered, That the consideration thereof, together with the examinations of John Tremper, Jacobus Besemer and the said Jacob Tremper, be postponed until to-morrow.

Abraham P. Lott, Esqr. attending again in pursuance of the order of this Council of the sixth instant, the Council proceeded to the further consideration of the letter of the committee of Ulster county, (dated the 2d inst.) and the case of Colo. Lott, one of the commissioners appointed to purchase salt for this State.

The resolutions of the Council of Safety, on the 15th of May last, appointing Colo. Lott to that agency, and the resolution of the said Council on the first day of August last, directing Mr. Platt and Colo. De Witt to direct Colo. Lott to cease purchasing any more salt on account of this State, whenever the quantity purchased by him and Colo. Peter R. Livingston together shall amount to five thousand bushels, together with Messrs. Platt and D. Witt's letter of directions to Colo. Lott on that subject, were respectfully read. And the resolutions of the Council of Safety on the 8th of September last, directing the salt purchased by Colo. Lott and Colo. Livingston to be deposited in the following places, to wit: 1700 bushels thereof at the landing of Robert Livingston, Esqr., 1700 bushels at the landing of William Radliff, and 1600 bushels at the store of James Reade in Dutchess county, were also read.

Upon examination of Abraham P. Lott, Esqr. it appears that he procured on account of this State, three thousand six hundred and ninety bushels and three-fourths of a bushel of salt; that before the enemy's shipping came up Hudson's river, ninety casks or upwards of the said salt was delivered at Radliff's store at Hudson's river; that upwards of forty casks of the salt brought to Radliff's store, was brought to Kingston to be distributed; and the residue thereof being carted back into the country to prevent its falling into the hands of the enemy, he has not since been able fully to collect the same; that part of the said salt by him pur-

chased, was some time since carted from Canaan, to be delivered at the store of James Reade in Dutchess county; that about 85 casks were at Canaan, and upwards of 70 casks at Simsbury, and a few casks near the Greenwoods, all which he had directed to be brought forward; that there also is, or lately was, some salt yet at Springfield; and that he has directed the whole to be brought forward as fast as teams can be procured to cart it; has exerted himself to the utmost for that purpose, and expects the salt which was at Canaan has been brought to Read's store in Dutchess county; that 641½ bushels of salt procured by Colo. Lott, were delivered to Edward Covenhoven, Thos. Brinckle, Colonel Isaac Nicoll and others, subjects of this State, after Mr. Lott received directions from the State restraining the purchases of Colo. Peter R. Livingston and himself to five thousand bushels of salt—their separate purchases at that time exceeding 5000 bushels; that the said Edward Covenhoven and others, subjects of this State, paid for the said 641½ bushels of salt with their own cash, and transported the same into this State. From Colo. Lott's information, it farther appears that some teams coming from the eastward into this State with salt for sale, failed in or near the Greenwoods; that he advised some subjects of this State then there, to purchase the said salt of the persons who were bringing it for sale; that the persons he so advised to purchase the said salt did buy the same, but the purchasers not having cash sufficient to pay for the whole of it, he took, on his own account, and paid for so much thereof as they had not cash to pay for, at the rate of six pounds per bushel; that he, the said Abraham P. Lott took, on his own account, at Boston, after he was restrained from purchasing for the State, fifty-seven bushels and an half of salt, for which he paid with his own cash; that part of that salt has been forwarded and brought into this State by the care and agency of Colo. Nicoll and Thomas Brinckle, and without any care, trouble or agency of Colo. Lott; that the difficulty of obtaining teams to cart the salt purchased by order of the State, reduced him to the necessity of engaging to pay for some part of the cartage in flour; that the flour he had purchased and intended to deliver for the said cartage, being seized by a commissary, (with permission of both houses of the Legislature of this State,) among other flour for the use of the army, as well as the extravagant prices which have been demanded of him for flour he wanted for bread for his family, renders it necessary for him to dispose of some part of the little salt he has as his own property, for produce only; but that he has nevertheless sold part of it to families lately distressed by the conflagration of Kingston for cash only; that he also deposited a few bushels of his own salt in the hands of Doctor Luke Kiersted, for the use of some persons who had applied to him to procure salt for them, and directed Doctor Kiersted to dispose of the same at the rate of £8 16*s.* per bushel, and to take wheat in payment at the rate of 12*s.* per bushel, when at the same time he was offered in Dutchess county ten pounds per bushel for the said salt, and payment for the same in flour at the rate of 36*s.* per hundred.

Colo. Lott having declared his readiness to attest to the preceding facts, (except the number of casks left at each particular place, which he cannot at present exactly ascertain.

Resolved, That the committee of Ulster county have at the least exhibited a charge against Colo. Lott which is entirely unsupported, and therefore it is unnecessary for Colo. Lott to attest to the preceding facts.

Ordered, That a copy of the preceding facts and examinations be sent by the Secretary of this Council to the chairman of the committee of Ulster county.

FRIDAY MORNING,

December 12, 1777.

The Council met pursuant to adjournment.

PRESENT—Evert Bancker, Esq. *President pro tem.*

Mr. Pawling, Mr. Harper, Mr. Webster, Mr. Snyder, Mr. Dunscomb, Mr. Van Zandt—*Quorum.*

Mr. E. Clarke, Mr. Rowan, Mr. Phil. Livingston.

An account of Coenradt W. Elmendorph, for four days' labour in drying and preserving fifty-four Continental tents brought to Hurley, by order of this Council of Safety of the State of New-York, by Colo. Graham's regiment, and there left wet, and for packing up the said tents with their tent-poles, and forty-one camp kettles left with them, amounting to £1 12*s.* was exhibited for payment. And some of the members of this Council having certified that they examined the said tents and found them well dried and preserved,

Ordered, That the Treasurer of this State pay to the said Coenradt W. Elmendorph the said sum of one pound twelve shillings, take his receipt for the same, and charge it to Continental account.

An account of Cornelius Duboys, amounting to twenty shillings, for collecting the parts of a stove belonging to or used by the late Convention of this State, from the ruins of the court house and goal at Kingston, and transporting the same to Hurley, was exhibited for payment.

Ordered, That the Treasurer of this State pay to the said Cornelius Duboys, or his order, the said sum of twenty shillings, and take his receipt for the same.

An account of Nathan Smedes against the United States, amounting to eight pounds, for two pair of iron bound wheels, delivered to Adam Swart for two field pieces for the use of the militia and troops at or near Kingston, under the command of Brigadier-Genl. George Clinton, on the approach of the enemy, (which two pair of wheels were destroyed in the conflagration of Kingston,) was exhibited for payment.

Ordered, That the Treasurer of this State pay to the said Nathan Smedes the said sum of eight pounds, take his receipt therefor, and charge the same to Continental account.

FRIDAY *P. M. December* 12, 1777.

The Council met pursuant to adjournment.

PRESENT—Evert Bancker, Esqr. *President pro temp.*

Mr. Pawling, Mr. Harper, Mr. Webster, Mr. Snyder, Dunscomb, Mr. Van Zandt—*Quorum.*

Mr. E. Clark, Mr. Rowan, Mr. Phil. Livingston.

An account of Abraham DeLameter of seven pounds four shillings, for riding six days to the counties of Dutchess and Orange to deliver the resolutions of the Council of Safety, laying an embargo on the transportation of flour out of this State, to the chairman of several committees, was exhibited for payment.

Ordered, That the Treasurer of this State pay to the said Abraham Delameter, seven pounds four shillings, in full for that account, and take his receipt for the same.

An account of John Van Duesen for riding three days, vizt: the 24th, 25th and 26th of November, to deliver a letter from Major-General Gates to His Excellency Brigr. Genl. George Clinton, which letter from Genl. Gates was sent to this Council by Capt. De Witt, with a request to forward it by express, was exhibited for payment.

Ordered, That the Treasurer of this State pay to the said John Van Duesen, three pounds twelve shillings, in full for the said account, take his receipt for the same and charge it to the Continental account.

"Coenradt C. Elmendorph, of Kingston in Ulster county,

being duly sworn on the Holy Evangelists, deposeth and saith, that late in the afternoon of the tenth instant, he met Jacobus Besemer returning to Kingston with two horses, and fell into conversation with him concerning leather which was sent off on a wagon by Jacob Trimper and John Trimper, and brought back by order of the Council of Safety of this State; that in that conversation he asked the said Besemer if his master, Jacob Trimper, did not know of the resolution of Council, prohibiting the transportation of leather out of this State? and the said Jacobus Besemer replied 'yes;' and that the deponent said he believed John Trimper knew it also; to which Besemer replied, 'I believe so too;' that the said Jacobus Besemer further informed the deponent that he was ordered in the evening preceding his going away, by his master, Jacob Trimper, to arise some time in the night and go away with a wagon load of leather as far as Capt. Broadhead's, and bring back boards; that the deponent observed that their going away in the night did not look well, and the said Besemer said it did not.

"COENRADT C. ELMENDORPH.

"Sworn the 12th of Decr. 1777, before me.

"EVERT BANCKER."

Adjourned till to-morrow morning.

SATURDAY, 10 HO. A. M. *December* 13, 1777.

The Council met pursuant to odjournment.

PRESENT—Evert Bancker, Esqr. *President pro temp.*

Mr. Scott, Mr. Webster, Mr. Pawling, Mr. Snyder, Mr. Harper, Mr. Van Zandt, Mr. Dunscomb—*Quorum.*

Mr. Ph. Livingston, Mr. E. Clarke, Mr. Rowan.

Ordered, That Mr. McKesson, one of the Secretaries, pay to Johannes Ostrander, five shillings for a load of wood by him furnished at the house of Seth Curtis by order of this Council, and which was intended for their use, and that he charge the same to this State, for which this entry or a copy thereof, shall be a warrant for payment.

On motion of Mr. Van Zandt, which was seconded,

Resolved and Ordered, That the Treasurer of this State be, and he is hereby directed to pay unto each of the members of this Council, twenty shillings per day for every day's attendance on the business of the State committed to them, to be certified from the minutes by writing, under the hand of either or both of the Secretaries, and that the Secretaries include Sundays in the certificates of such members whose families reside at a distance from the place of meeting of the Council, and who continued at their usual lodgings near the sitting of the Council.

An account of John McLean, for riding four days to Poughkeepsie, from thence to New-Windsor and Little Britain, and returning, to wit, on the 30th of November, and first, second and third days of December, to convey a letter from Major-General Gates, and two other letters to Brigadier-General George Clinton, which letters were conveyed to this Council of Safety by the committee of Albany, with a request from General Gates to be forwarded by express, was exhibited for payment.

Ordered, That the Treasurer of this State pay to the said John McClean, four pounds sixteen shillings, in full for the said account, take his receipt for the same and charge it to Continental account.

An account of John McClean, for riding to Nepenagh on the 9th instant, to take John Trimper and Jacobus Besemer, was exhibited for payment, and settled at thirty-six shillings.

Ordered, That the Treasurer of this State pay to the said John McClean thirty-six shillings, in full for that account, and take a receipt for the same.

An account of John Van Deusen, for riding to Rochester on the 4th instant, with a letter to Gerard Bancker Esqr. Vice-Treasurer, and for going to Nepenagh on the 9th instant to bring back John Trimper and Jacobus Besemer, with a wagon load of leather, together with his disbursements, amounting in the whole, to the sum of five pounds, was exhibited for payment, approved of and settled.

Ordered, That the Treasurer of this State pay to the said John Van Deusen, the sum of five pounds, in full for the said account, and take his receipt for the same.

SATURDAY, *P. M. December* 13, 1777.

The Council met pursuant to adjournment.

PRESENT—Evert Bancker, Esq. *President pro temp.*

Mr. Scott, Mr. Webster, Mr. Pawling, Mr. Snyder, Mr. Harper, Mr. Van Zandt, Mr. Dunscomb—*Quorum.*

Mr. Ph. Livingston, Mr. E. Clarke, Mr. Rowan.

Ordered, That the Treasurer of this State pay to Captain Jan Van Deusen, five dollars, for conveying with his wagon the records and papers of the Conventions and Councils of Safety of this State, from Nepenagh to Hurley, by order of this Council, and take his receipt in full for that service.

Mr. John Henry, the commissary of the clothing store, attended and delivered in the accounts of the said store, and the present contents of the said store, which were filed.

A letter from Abraham P. Lott, Esquire, dated at Nine Partners, on the 9th instant, mentioning the difficulty of collecting the salt by him purchased for the State, and having it transported to the landings, and stating also his efforts to effect that object, was received and read.

MONDAY, 10 HO. A. M. *December* 15, 1777.

The Council met pursuant to adjournment.

PRESENT—Evert Bancker, Esqr. *President pro tempore.*

Mr. Pawling, Mr. Webster, Mr. Snyder, Mr. Harper, Mr. Dunscomb, Mr. Van Zandt, Mr. Scott—*Quorum.*

Mr. Phil. Livingston, Mr. Clarke, Mr. Rowan.

An order of Colo. Lewis Duboys, directed to Mr. John Henry, commissary of clothing, dated the sixth of December instant, requesting 300 pair of shoes and 300 pair of hose for his regiment, to be delivered to Lieut. Michael Conely, for which Colo. Duboys engages to see the cash paid on the first regimental payment, was read.

The quantity requested by Colo. Duboys appearing not to be in the State store,

Ordered, That Mr. John Henry, commissary of the store, deliver to Lieut. Michael Connely, with a proper invoice of the same, one hundred and thirty-two pair of shoes, and one hundred and thirty-two pair of hose, for the use of Colo. Duboys's regiment, and that Colonel Lewis Duboys be accountable to pay this State for the same.

An account of Lieut. Michael Connely, of Colo. Duboys's regiment, for fifteen muskets, at four pounds fifteen shillings each, amounting to £71 5*s*. purchased by order of Christopher Tappen, Esqr. one of the committee of the Convention of this State appointed to purchase arms for the Continental troops raised in this State and delivered into the armoury at Kingston, as appears by vouchers now produced, was exhibited for payment.

Ordered, That the Treasurer of this State pay to the said Lieut. Michael Connely the sum of seventy-one pounds five shillings, in full for the said account, take a receipt for the same, and charge it to the Continental account.

"Dirck Wynkoop, Junr. Esqr. of Ulster county, being duly sworn on the Holy Evangelist, deposeth and saith, That on the morning of Tuesday the 9th instant, at Marble Town, he saw a wagon loaded with leather, under the care and direction of John Trimper and Jacobus Besemer, who was with him; that the deponent told the said John Trimper that he was about to take the said leather out of

the State, and informed the said John Trimper that there was a law or a resolution of the Council of Safety against exporting any leather out of this State; that the said John Trimper at first said there was not any such resolution; that the deponent informed the said John Trimper that there was such a resolution, for that he was so informed by a member of the Council; that the said John Trimper then said, if there was such a resolution it was not published; that the deponent asked him what he meant by publishing; he replied, in the newspapers; that the deponent informed said John Trimper that if he should proceed with the said leather, he would undoubtedly be stopped, for that he, the deponent, would send information to the Council thereof; that the said John Trimper replied, that the deponent would get nothing by that, for that if the said leather was now detained, he would find means to get it away at some other day.

"D. WYNKOOP, JUNR.

"Sworn the 15th Decr. 1777, before me. "EVERT BANCKER."

Robert Harper, Esq. one of the members of this Council, produced a bill of credit of this State of ten dollars, signed only by Wm. Denning, numbered 1172, with black ink, by Evert Bancker, Esq.

Ordered, That G. Bancker, Esqr. the Vice-Treasurer of this State, receive the said bill and return the value thereof to Mr. Harper.

MONDAY, *P. M. December 15th*, 1777.

The Council met pursuant to adjournment.

PRESENT—Evert Bancker, Esqr. *Prest. pro tem.*

Mr. Pawling, Mr. Webster, Mr. Livingston, Mr. Snyder, Mr. Harper, Mr. Clark, Mr. Dunscomb, Mr. Van Zandt, Mr. Rowan, Mr. Lott.

The petition of John Tremper was read, and the same, together with the petition of Jacob Tremper and the several examinations taken by this Council relative to the attempt made by the said John Tremper to export a quantity of shoe leather out of this State contrary to a resolution of this Council of the 5th day of December instant, against the exportation of shoe leather out of the State, being taken into consideration,

Resolved, That the said shoe leather, in the opinion of this Council, is forfeited by the said resolution; that the same ought to be seized and disposed of according to the directions thereof; and to that end, that a certified copy of this resolution be served on one of the committee of this town.

Philip Livingston, Esqr. dissents.

On reading a letter from Ezekiel Williams, Esq. sheriff of the county of Hartford, in Connecticut, dated at Weatherfield, on the 10th inst. stating the inducements and under what conditions he had permitted William Pemberton, Samuel Verry and William Moffat, lately sent prisoners from this State to Connecticut as disaffected persons, to return to this State, setting forth also the wretched and distressed situation of many others delivered to his custody by Mr. Cantine, most of whom were destitute of clothing and blankets; mentioning also the want of flour and the hardships of so long an imprisonment unheard, alleging that humanity required rather that the guilty should immediately be tried than exposed to a lingering death to which they must very soon be exposed, if surplies of food and clothing were not furnished, and soliciting from humanity the early attention of the Council to their situation. And also on reading a letter from Jeremiah Halsey, Esqr. relative to the said Pemberton, and a letter from Prosper Wetmore, relative to the said William Moffat; and on reading also a letter from the said Ezekiel Williams to Peter Cantine, Esqr.; and another letter from the said Jeremiah Halsey, enclosed therein, relative to Lieutenant Simon Frazer, lately sent a prisoner as aforesaid.

Resolved and Ordered, That the said several persons be remanded to the care of the respective general or county committees of the counties where they did formerly respectively reside, together with copies of the above mentioned letters; that it be recommended to the said respective committees, if they shall be of opinion that the said persons or either of them may be permitted with safety to to this State to remain in the same, that such person or persons be so permitted to remain upon any such terms and under any such restrictions as may be thought proper, and be on them severally imposed by the said general or county committees respectively.

"The committee to whom was referred the letter from Robert Livingston, Esq. dated at the manor of Livingston, the 7th of December, 1777, and directed to Mr. Benson, one of the Secretaries of this Council, report, that they have given the same a deliberate consideration, and conceive, if when viewed as an answer to the inquiries made of him by certain resolutions of this Council therein referred to, to be very unsatisfactory.

"1st. Because it seems to arraign the regularity if not the justice of the conduct of this council, in proceeding with complaint of the chairman of the committee of Rynbeck precinct in Dutchess county, without evidence on oath, when in fact and truth the said resolutions were framed and sent to Mr. Livingston for information only, and cannot be considered as a judicial act against him; and your committee are of opinion that this Council has acted with greater delicacy towards Mr. Livingston in exhibiting said complaint to him for his admission or denial, and in stating for his solution the questions contained in the said resolutions before the examination of any witnesses, than would have been shown to him in calling for *ex parte* proofs against him on oath.

"2d. Because though the said letter contains a fair and flat denial that Mr. Livingston ever sold any bar iron for £17 or £20 per hundred, as is alleged in the said complaint, and although also it asserts that no one blacksmith in the manor of Livingston or Dutchess county has bought any iron of him that has cost more than eight shillings for the quantity necessary to shoe one horse, yet it contains no answer to the said resolutions respecting the price at which he does sell his bar iron, as by the said resolution was required.

"3d. Because though the said letter contains the enumeration of his difficulties with respect to his workmen, yet it affords no solution to the questions respecting the difference between the present time and the year 1775, of manufacturing a ton of refined bar iron from the ore at his iron works, as by the said resolutions, was also required."

Which said report being considered, it was thereupon

1st. *Resolved*, That the letter from Robt. Livingston, Esq. dated at the manor of Livingston, the 7th of Decr. 1777, and directed to Robert Benson, Esqr. one of the Secretaries of this Council, contains no answer to the questions put to him in the resolutions of this Council of the 28th of November last, relating to the price at which he sells his bar iron, and the difference of expense between the present time and the year 1775, of manufacturing a ton of refined bar iron from the ore at his iron works.

2d. *Resolved*, That the said Robert Livingston, Esqr. be, and he is, hereby required to make direct answers in writing to the questions, and to transmit the said answers to this Council or the Legislature of this State without delay.

3d. *Resolved*, That for this purpose, he be forthwith furnished with copies of the request of the committee to whom was referred his said letter of the 7th of Decr. 1777, and of the resolutions of this Council founded thereon.

4th. WHEREAS Robert Livingston, Esqr. by his letter dated at the manor of Livingston, the 7th of Decr. 1777, directed to Robert Benson, Esqr. one of the Secretaries of this Council, in answer to the complaint of the committee of Rynbeck precinct in Dutchess county, charging him

with selling bar iron at £17 or £20 per hundred, and flatly denies that he has ever sold any bar iron to any one being, for £17, much less for £20.

Resolved, therefore, That the chairman of the said committee be informed thereof, and that this Council is ready to receive proof in support of his complaint, and that a copy of this resolution be sent to him.

TUESDAY, 10 HO.
December 16, 1777.

Council met pursuant to adjournment.

PRESENT—Evert Bancker, *Prest. pro tem.*

Mr. Pawling, Mr. Snyder, Mr. Livingston, Mr. Webster, Mr. Harper, Mr. Clark, Mr. Dunscomb, Mr. Van Zandt, Mr. Scott.

Ordered, That Mr. McKesson, one of the Secretaries of this State, pay to Mr. Abraham Gasbeek such sum as he may find due him for room hire, or any otherwise, by the Senate of the State of New-York, while they occupied part of his house at Kingston.

Adjourned.

TUESDAY, *P. M. December* 16, 1777.

Council met.

PRESENT—Evert Bancker, *Prest. pro tem.*

Mr. Pawling, Mr. Snyder, Mr. Livingston, Mr. Scott, Mr. Webster, Mr. Harper, Mr. Clark, Mr. Dunscomb, Mr. Van Zandt, Mr. Rowan.

WHEREAS this Council has, from repeated information, good reason to believe that the inhabitants and subjects of this State make a practice of passing and repassing between the city of New-York and other parts of the State, under cover of flags of truce, granted by Continental military officers, commanding at the military posts in this State; by which practice, and the continual communication with the enemy in consequence thereof, the safety of the United States in general, and of this State in particular, is greatly endangered: AND WHEREAS it solely and exclusively belongs to the supreme authority of this State to judge of the necessity or expediency of permitting any of its subjects, not belonging to the Continental army, on any occasion whatsoever, to hold personal correspondence or communication with the enemy,

Resolved, therefore, That it be, and it is hereby recommended to His Excellency the Governor, by every means in his power, to prevent any such of the inhabitants and subjects of this State as aforesaid, from procuring any flags of truce, for any purpose whatsoever, unless the same be granted by him, or some other person, with his special permission to be had in every case, for the purpose.

AND WHEREAS divers persons, as well military officers as others, upon very trifling occasions have obtained flags of truce, and under cover thereof have carried to and brought from the city of New-York divers supplies, by which not only an unnecessary, but also a friendly, and therefore the most dangerous, intercourse is maintained with the enemy,

Resolved, therefore, That it be, and it hereby is, further recommended to His Excellency the Governor, by every means in his power, to prevent any such flags of truce, as aforesaid, from being granted, except upon the most urgent occasions and also to prevent any goods or effects whatsoever, under the cover of any flag of truce, to be carried to or brought from the city of New-York, except the necessary wearing apparel, bedding and provisions for the journey or voyage of every person who is to pass or repass under the protection of such flag of truce; and for the more effectual prevention of frauds in such case, His Excellency is requested to take the most effectual means in his power to prevent any person from having the benefit of a flag of truce, unless his or her name be inserted in the commission or letters of credence to be granted for that purpose, and that previous to the granting thereof, the particular articles of the several necessaries to be allowed for the voyage or journey, be ascertained by the officer granting the flag of truce, and proof made on oath before him, by some person or persons who shall receive the benefit of such flag of truce, that no goods or effects other than such for which such officer shall grant permission, shall be carried to or brought from the city of New-York, under cover of such flag of truce.

A draft of a letter to His Excellency the Governor, was read and appproved of, and is in the words following, viz:

"*In Council of Safety, Hurley, Decr* 16, 1777.

"SIR—Your Excellency will we flatter ourselves, see the obvious necessity which produced the enclosed resolutions. The unprecedented grants of flags of truce by some of the Continental officers, have long given this Council great uneasiness. Nor indeed can we avoid taking umbrage at the liberty assumed in the military line, of furnishing the means of communication with the enemy, to the inhabitants and subjects of this State, who do not belong to the Continental army, and on occasions altogether unmilitary; a prerogative which we conceive to belong solely and exclusively to the supreme authority of this State.

"We are of opinion that besides your own vigilance, it may be necessary to transmit copies of the resolutions to the commanding officers at the different posts, and to press their compliance with them. We beg leave, sir, to offer to your consideration, whether it may not be proper to discountenance as much as possible, applications for flags of truce, by making it in some cases an express condition, that the persons obtaining the flag do not return from the enemy. We have heard of several persons who have been permitted to go to New-York, with design to return, and whom we think ought not to have been thus indulged. For though there are many inhabitants of this State whom we should not be sorry to part with on the above mentioned condition, yet we conceive they ought by no means to be permitted on any pretence whatsoever, to pass and repass between us and the enemy, under the sanction of a flag of truce.

"The information which we received, as well in your Excellency's last letter, as by other channels, of the burning of General De Lancey's house, gave this Council great uneasiness. We think this a most unequal method of waging war with the enemy, because neither we nor they can possibly destroy any but what are properly our own houses; and we fear that so conspicuous an example as the destruction of Mr. De Lancey's mansion house, will be industriously followed by the enemy, to the ruin of many of the good subjects of this State. For those reasons, sir, we most earnestly entreat your utmost exertions to put a stop to practices, on our part, which may be attended with the most destructive retaliations by the enemy.

"His Excellency Govr. CLINTON."

Ordered, That a copy thereof be engrossed, and signed by the President, and transmitted.

A letter from Peter B. Livingston, dated the 12th, was received and read, and the consideration thereof postponed until to-morrow.

WEDNESDAY, A. M.
December 17, 1777.

The Council met pursuant to adjournment.

PRESENT—Evert Bancker, Esqr. *Prest. pro tem.*

Mr. Scott, Mr. Harper, Mr. Livingston, Mr. Van Zandt, Mr. Webster, Mr. Dunscomb, Mr. Clark, Mr. Pawling, Mr. Snyder, Mr. Rowan.

WHEREAS this Council have been informed by William Wood, of Goshen, in Orange county, that George Ewing, commissary-general of hides, in the United States, has contracted to pay him in leather by retaining to his own use one-half of all he shall tan on Continental account; and that the said William Wood is employed by the said George Ewing, to collect the hides of cattle slaughtered

for the use of the troops of the United States, or militia on each side of Hudson river; for which he is also to receive a further reward or payment: AND WHEREAS several tanners and curriers in this part of the State, have offered to this Council to tan all hides which may be delivered to them for the United States, for one-third part of the leather when tanned; whereby there will be evidently a great saving to the United States. Therefore

Resolved, and Ordered, That all the hides belonging to the United States, now in the bounds of Kingston and Hurley, be collected by Capt. Jan Vandeusen, of Hurley, and by him preserved and detained until the said George Ewing shall have contracted for the manufacturing of them into leather, at a rate not exceeding one-third part of the said leather when tanned, or until the Continental Congress shall have made further order in the premises.

A draft of a letter to Geo. Ewing, Esqr. commissary-general of hides, was read and approved, in the words following, vizt:

"IN COUNCIL OF SAFETY for the State of New-York,
"*Hurley, Decr. 17th,* 1777.

"SIR—This Council being informed that you, as commissary-general of hides, make contracts with tanners and curriers for preparing the Continental leather, whereby they are to be paid in leather, by retaining one-half for tanning and currying the other half, when it may be done for a third, think it their duty to point out to you the great loss which the public sustains by contracts of that sort. This loss will appear evident from an attention to the enclosed estimates. The first of those is formed on the plan of your contracts, unless your workmen only tan at halves, as you pay for the currying besides; in which case, your contracts are still more disadvantageous than we apprehended. The second estimate is formed on the plan of tanning for the third, and paying for the currying at 12*s.* per side, for which it may be procured to be done. The price of the tanned hides, charged at six shillings per pound, and of the curried leather, one-third more on the compared dimensions of tanned and curried leather, arbitrarily fixed in the two estimates, are probably below their present prices; but this is immaterial in setting the proportion of the two estimates. By the first estimate, twenty-four sides will yield in cash £50 8*s.*; the sales of the same number, by the second estimate, will amount to £62 8*s.*; the difference in favour of the public by the second estimate is £12, which is near 25 per cent, an object of too much consequence to the Continent to be neglected by any of its servants, besides the advantage of a supply of one-sixth leather more for the use of the Continental troops. By inquiry of the tanners and curriers in this part of the country, we find that workmen can be had on the plan of the second estimate, who will, in that case, still make great profit by their labour. This Council, therefore, think it their duty to interpose to prevent the execution of your contracts within this State, by which so great a public loss will be occasioned; and do hereby desire you will desist from carrying them into execution; and at the same time have resolved to detain the hides in this place, where they can get them manufactured according to the second estimate, until you think proper to agree with the workmen here according to that estimate, or the Continental Congress shall have given orders herein.

"The Council is also determined to enclose a copy of this letter and of the estimates to the Continental Congress, by express; hoping, that if the pernicious effects of tanning and currying for the half, be diffusive throughout the States, a proper remedy may be applied by them to a mischief which, if suffered to continue without redress, will annually sink many thousands to the United States.

"Upon inquiry of a principal tanner here, we find that the neat's foot oil of one beast, with a small addition of tallow, will be sufficient for currying half of its hide; we, therefore, recommend it to you to insist with the commissaries of provisions to furnish you with all the feet and a sufficient quantity of tallow for this purpose, which, considering the price of oil, will be another great saving to the public.

"We are your humble servants,
"By order of the Council.

"GEO. EWING, Esqr. Commissy. Genl. &c."

Ordered, That a copy thereof be engrossed, and signed by the President, and transmitted.

The computations in the said letter contained are in the words and figures following, vizt:

"*First Estimate.*

	£.	s.	d.
"12 hides or 24 sides of leather, tanned and curried for the half, gives:			
6 sides sole leather, at 12lb.=72lb. at 6*s.*	21	12	0
and 6 sides curried leather, at 1-3 more,	28	16	0
12 sides, their value,	£50	8	0

"*Second Estimate.*

	£.	s.	d.
"12 hides or 24 sides of leather, tanned for the third, gives:			
8 sides sole leather, at 12lb.=96lb. at 6*s.*	28	16	0
and 8 sides curried leather, at 1-3 more,	38	8	0
	£67	4	0
"Deduct pay for currying the same, vizt. 8 sides at 12*s.*	4	16	0
	£62	8	0
"Thence deduct the amount of first estimate,	50	8	0
"Profit by having leather tanned for a third instead of the half,	£12	0	0

Which is nearly 25 per cent."

Ordered, That a copy thereof be enclosed in the said letter.

A draft of a letter to the Delegates of this State in Congress, was read and approved in the words following:

"IN COUNCIL OF SAFETY for the State of N. York,
"*Hurley, Decr. 17th,* 1777.

"GENTLEMEN—The subject matter of the enclosed papers is of too great moment to be neglected. Mr. Wood, who is authorized by the commissary-general of hides, informs us that he is to have one-half of the hides within his district for tanning the other half. We are sorry to find that in the leather department, as well as every other, of the United States, there are peculations and waste by which the expense of the war is enormously increased. On the article of leather, the object which now immediately strikes this Council, you will see how much may, with a little attention, be saved the United States. It is more or less so in all the commissary and quarter-masters' departments. And considering the amazing and unforeseen expense to which the war subjects us, it is surely the duty of those in power to apply proper remedies to evils so various and destructive. Things will never go well while the servants of the public have not overseers near them. This Council are therefore of opinion that some resolution of Congress should be passed to authorize the Legislatures of the several States, or committees to be appointed by them, to superintend and in some measure to direct and control the commissary and quarter-masters' departments in the several States, so far as to prevent abuses.

"We have only to add that the Legislature are to meet at Poghkepsie the 5th day of next month.

"And are, gentn. with great respect,
"Your most obedt. servts.

"To the Honourable the New-York
Delegates in Congress."

Ordered, That a copy thereof be engrossed, and signed by the President, and transmitted. And,

Ordered, That the Secretaries inclose therein a copy of the letter to Geo. Ewing, and of the computations which were therein enclosed, with copies of Geo. Ewing's instructions to William Wood.

A letter from Peter R. Livingston, dated the 12th inst. relative to salt by him purchased by order of this State,

and also requesting permission to transmit 102 barrels of flour to Boston, was read in the words following, vizt:

Manor Livingston, Decemr. 12, 1777.

"GENTN.—Since I had the favour of your last, have sent to Albany the proportion allotted to that county out of the salt I purchased for the use of this State. The 600 bushels for the county of Tryon is at Mr. Spencer's and in his neighbourhood. Have acquainted the committee of that county that it lies there, and will either send from thence or order it down to the landing as soon as the roads will permit it. As I have my orders from your Board to leave the salt at Spencer's and Jansen's, and have charged Council in my accounts with the cartage to those places only; have charged and received from the county of Albany the cartage of their proportion, and if the county of Tryon orders their part to the landing, shall charge them with the cartage of their 600 bushels.

"When at Boston I obtained an order from the Council for 750 bushels of salt at 10*s*. when it was sold by others at 30*s*. to 40*s*. out of their public stores, and promised them to send 200 barrels of flour for the use of the inhabitants of the town of Boston; have since my promise sent only 98 barrels, and beg the Honb. Council will grant me a permit to send the remaining 102, as I have them ready and expect the roads will be good in a few days. If the Council will be pleased to grant me the license, Mr. Benson will forward it to me. Shall not have it in my power until snow to send on the remaining 250 bushels for Charlotte, as it lays at Simsburry, and the Greenwoods; expect soon to be there, and shall exert myself to forward it to Mr. Spencer's.

"I am, gentlemen, with great respect,
"Your very humb. servt.
"PETER R. LIVINGSTON."

The same being duly considered, and the question being put thereon, whether the Council will grant permission to Col. Peter R. Livingston to transport the 102 barrels of flour in the said letter mentioned; it was carried in the negative.

WHEREAS application has been made to this Council, in behalf of the distressed inhabitants of the county of Charlotte, representing the most deplorable and ruinous condition to which they are reduced, by the late cruel devastations of the enemy in that part of this State, and that for want of bread, and the means of purchasing the same, they must either perish in the course of the ensuing winter, or abandon their settlements; an event which will necessarily depopulate a very valuable part of this State; and subject the inhabitants of other parts thereof, to the indispensable duty of giving both shelter and support to their unhappy fellow subjects: AND WHEREAS, the like evils are apprehended with respect to other frontier parts of this State: AND WHEREAS the charitable disposition, heretofore shewn by the subjects of this State, in contributing to the relief of their afflicted brethren in Boston, at a time when they were sorely pressed by the same inhuman enemy, will not permit this Council to doubt the readiness of those, who have not felt the calamities of war, to make a voluntary contribution on the present melancholy occasion, out of that redundance which a kind Providence has been pleased to bestow on them.

Resolved, therefore, That it be, and it is hereby earnestly recommended to those of the good subjects of this State, who have escaped the ravages of the enemy, that as they hope for a continuance of the divine protection against the like severe trials, and the blessing of Almighty God on the fruits of their labour, they extend their charity to the ruined settlers of our frontiers, by severally delivering, according to their abilities, into the hands of any member of a general or district committee, who shall reside nearest to them respectively, their charitable donations in flour and bread corn, of any kind, to be applied to the relief of such settlers as aforesaid, in manner hereafter to be directed by this Council or the Legislature of this State. And to the end that such charitable donations as aforesaid, may be collected with that despatch, which the pressing wants of the unhappy sufferers, intended to be thereby relieved, most justly claim,

Resolved, That all the members of the several general and district committees, within this State, be and hereby are required, strenuously to exert themselves, in the use of those means, which may be most effectual for a speedy collection of such charitable donations, and to make report from time to time, of their success therein, to this Council or the Legislature of this State. And to facilitate the most liberal benefactions on this occasion.

Resolved, That it be, and it is hereby enjoined on all ministers of the gospel within this State, by suitable exhortations from the pulpit, on every Lord's day, during the continuance of the said collection, to animate and excite their hearers to the fullest exercise of charity towards their suffering brethren.

Ordered, That copies of these resolutions be published in Samuel Loudon's paper, and that one hundred copies thereof be printed in handbills and distributed in the counties of Ulster, Dutchess, Westchester, and Orange.

WEDNESDAY, *P. M. Hurley, December* 17, 1777.

The Council met pursuant to adjournment.

PRESENT—Evert Bancker, Esqr. *Prest. pro tem.*

Mr. Scott, Mr. Harper, Mr. Livingston, Mr. Van Zandt, Mr. Dunscomb, Mr. Clarke, Mr. Pawling, Mr. Snyder, Mr. Rowan.

Resolved and Ordered, That the Vice-Treasurer of this State do remove, together with the treasury books of public accounts and papers in his custody relative thereto, to the precinct of Poughkeepsie, in Dutchess county, with all convenient speed; there to attend the future directions of this Council or Convention, or the Legislature of this State.

Ordered, That the Secretaries of this Council do remove with and transport all the records of the late Convention and Councils of Safety of this State to Poughkeepsie, with all convenient speed.

Resolved, That the clothing store of this State remain in its present situation until the further order of this Council, or the Convention or Legislature of this State.

WHEREAS, this Council intend this day to adjourn to meet at Poughkeepsie, in Dutchess county: AND WHEREAS, the public records of this State are now placed at Nepenagh, in Ulster county, under a guard, subject to the directions of Hendrecus Hornbeck, Johannes Hardenburgh and Comfort Sands, Esquires, in which situation they are for the present esteemed in a state of safety; and from the condition of the roads, and uncertain state of the weather at this season of the year, it is conceived impracticable to remove said records, at present, to any place of greater safety: Therefore,

Resolved, That the said records of this State remain in their present situation, under guard as aforesaid, until further order of this Council, or the Legislature of this State; and that a certified copy of this resolution be delivered to the said Hendricus Hornbeck, Johannes Hardenburgh and Comfort Sands, or one of them.

Ordered, That the Treasurer of this State pay to Capt. Jan Van Deusen the sum of thirty dollars, in full for the use of his room and firewood, and other services for this Council, and take his receipt for the same.

Resolved, That this Council will adjourn to meet at Poughkeepsie on Saturday next; and this Council is hereby adjourned accordingly.

MONDAY.

Poughkeepsie, December 22, 1777.

The following members of the Council of Safety and of the Legislature met, to wit:

Evert Bancker, Esqr. *Presidt. pro tem.*

Mr. Benson, Mr. Pawling, Mr. Dunscomb, Mr. Webster, Mr. Rowan, Mr. Clarke, Mr. Van Houten.

[The above members continued to meet from day to day, until Friday, the 26th, when Mr. Harper appeared; but the number being insufficient to form a Council, continued to meet from day to day, until Tuesday, December 30th, 1777.]

TUESDAY MORNING,
December 30, 1777.

The Council met.

PRESENT—Evert Bancker, Esqr. *President pro tem.*

Colo. Pawling. Mr. Dunscomb, Mr. Benson, Mr. Webster, Mr. Harper, Mr. Snyder—*Quorum.*

Mr. Van Houten, Mr. Clarke.

Samuel Verplanck, Esqr. attended the Council, and made application for leave to go to New-York to visit his family, and to return within such time, and under such restrictions, as this Council shall direct.

The said application being immediately taken into consideration, was rejected.

Adam Beevo, of the West Camp, in Ulster county, apprehended, and confined in the jail of Dutchess county, on a charge of disaffection, being brought before the Council and examined, declared himself a true friend to the American cause, and took and subscribed the following oath of allegiance to this State, to wit:

"I, Adam Beevo, do solemnly and sincerely swear and declare, in the presence of Almighty God, that I will bear true faith and allegiance to the State of New-York, and in all things do my duty as a good and faithful subject of the said State ought to do. So help me God.

"ADAM BEEVO."

Thereupon,

Resolved, That the said Adam Beevo be, and he hereby is, discharged from confinement, and permitted to return to his place of abode.

Adjourned until to-morrow morning.

WEDNESDAY MORNING,
December 31, 1777.

Council met.

PRESENT—Evert Bancker, Esqr. *President pro tem.*

Mr. Pawling, Mr. Dunscomb, Mr. Van Houten, Mr. Platt, Mr. Harper, Mr. Benson, Mr. Clarke, Mr. Webster, Mr. Snyder, Mr. Barns.

Peter Benson appeared before the Council, and applied, in behalf of his father, Benjn. Benson, a refugee from the city of New-York, and informed the Council:

"That his father, while he resided in the county of Dutchess, and previous to the passing of the resolution of this Council, prohibiting the exportation of grain, purchased two hundred bushels of wheat, solely with intention to consume the same in his own family, and to barter what of the said wheat should be more than sufficient for that purpose, for such other necessaries as his family should stand in need of; that when the enemy came up the river, in October last, the said Benjamin, for the safety of his family and effects, removed from Red Hook, in the county of Dutchess, to Salisbury, in Connecticut, where, having obtained a habitation upon more advantageous terms than the one he possessed at Red Hook, he now resides; that the said wheat is now in the county of Dutchess, the said resolution having taken place before the said Benjamin had an opportunity to remove the same out of this State; for which reason the said Benjamin prays the license of this Council to transport the said 200 bushels of wheat out of this State, into the State of Connecticut.

"The said Peter Benson, being duly sworn, saith that the above matters of fact are, to the best of his belief, true.

"PETER BENSON."

Resolved, That the said Benjamin Benson, be, and he hereby is, licensed and permitted to transport the said 200 bushels of wheat out of this State, into the State of Connecticut.

Mr. Benson, one of the commissioners for conspiracies, &c. informed the Council that, some time since, Samuel Mabbet, of the county of Dutchess, surrendered himself to the said commissioners, who, conceiving the case of the said Samuel Mabbet to be very important, as there are many other persons in the State in the same predicament, and as the determination of it would be establishing a precedent, had referred it to this Council, and had bound the said Samuel Mabbet to appear before this Council, that he was attending at the door accordingly.

Mr. Benson then informed the Council of the case of the said Samuel Mabbet, as follows, vizt:

"That the said Samuel Mabbet was a person notoriously disaffected to the American cause, in consequence of which, he was removed to New-Hampshire, in the fall of the year 1776, from whence he returned to this State last spring, and being called upon by the commissioners to affirm his allegiance to this State, refused; that some time after, he absconded, and that he lately appeared and surrendered himself to the commissioners; that the said Samuel avers that he only concealed himself through fear, his life having been threatened, and denies that he ever was with the enemy, or that he has ever carried on any correspondence with the enemy, or with any person with them."

The Council then proceeded to take the same into consideration, whereupon,

Resolved, That the said Samuel Mabbet be discharged from confinement, upon his entering into recognizance, with surety in the sum of £2,000, for the appearance of the said Samuel Mabbet at the next court of oyer and terminer and general jail delivery, to be held in and for the county of Dutchess; that the President of this Council be authorized to take the same, and deliver it to the Attorney-General, who is hereby authorized and required to certify the said recognizance into the first court of oyer and terminer and general jail delivery which shall be held in and for the county of Dutchess.

Egbt. Benson, Esqr. produced his account, with the voucher, amounting to £5 3*s.* 4*d.* moneys advanced by him for expresses by order of this Council.

Ordered, That the Treasurer of this State repay Mr. Benson the said sum out of the treasury of this State.

Joseph Furman, of Charlotte precinct, in the county of Dutchess, attending, prayed a license to transport eight barrels of flour to one or either of the eastern States, for the sole purpose of purchasing oil, an article much wanted in the manufacturing leather in this State.

The same being taken into consideration,

Resolved, That the said Joseph Furman be and he is hereby licensed and permitted to export out of this State, to one or either of the eastern States, eight barrels of flour, on his taking an oath before the President of this Council, that he will import into this State the whole proceeds of the said flour in oil or blubber for the purpose of manufacturing leather, or salt for the use of the inhabitants of this State.

Benjamin Delavergne, of Charlotte precinct, in the county of Dutchess, attending, prayed a license to transport four barrels of flour to one or either of the eastern States, for the sole purpose of purchasing medicines or salt for the use of the inhabitants of this State.

The same being taken into consideration,

Resolved, That the said Doctor Benjamin Delavergne be and he is hereby licensed and permitted to export four barrels of flour out of this State to either of the eastern States, on his taking an oath before the President of this Council that he will use his utmost endeavours to import into this State the whole proceeds of the said flour in medicines or salt for the use of the inhabitants of this State.

Mr. Dunscomb and Mr. Snyder dissenting.

Egbert Benson, Esqr. having, by the advice of several members of this Council, advanced to Alexander Baldwin, captain of one of the companies of rangers of this State, raised in the county of Albany, the sum of one hundred dollars, to defray the expense of provisions, carriages and contingencies of him and his party (being prisoners on parol from Canada) on their march from Poughkeepsie to Albany, and taken Captain Baldwin's receipt (as from this Council) for the same. Thereupon,

Ordered, That Mr. Benson file the said receipt with the Treasurer of this State, and that the said Treasurer repay Mr. Benson the above sum out of the treasury, and charge Capt. Baldwin with the same.

Egbert Benson, Esqr. informed this Council, that by the advice of some of the members, he had procured from Isaac Sheldon, Esqr. one of the commissioners of sequestration in Dutchess county, ten dollars in specie, which he delivered to Mr. Andrew Billings at Poughkeepsie, for the purpose of making a great seal for this State, and had taken Mr. Billings's receipt for the same, as from Mr. Sheldon.

Resolved, That this Council do approve of Mr. Benson's conduct in this instance, and that the said Isaac Sheldon be indemnified for delivering to Mr. Benson the said ten dollars as aforesaid: And,

Ordered, That the said receipt be filed with the Treasurer of this State, and that he thereupon credit the said Isaac Sheldon for the said ten dollars, and charge the same to the said Andrew Billings.

A letter from John Coe, Esqr. one of the commissioners of sequestration on the south side of the mountains in Orange county, dated the 16th inst. informing Council that Teunis Kuyper, Esqr. the other commissioner of sequestration in that part of the said county, cannot possibly attend to the execution of that business, as his attendance is required as a member of the Legislature of this State, and therefore requests that another person may be appointed to act in conjunction with him in the stead of Mr. Kuyper, was read: And thereupon,

Resolved, That Gilbert Kuyper, Esqr. be and he is hereby appointed a commissioner of sequestration in the county of Orange, in the stead of Theunis Kuyper, Esqr. who is hereby discharged from the said office, his attendance being required as a member of the Assembly of this State.

Adjourned till to-morrow morning

THURSDAY MORNING,
January 1, 1778.

The Council met pursuant to adjournment.

PRESENT—Evert Bancker, Esqr. *Presidt. pro tem.*

Mr. Pawling, Mr. Benson, Mr. Snyder, Mr. Webster, Mr. Harper, Mr. Dunscomb—*Quorum.*

Mr. Clarke, Mr. Platt, Mr. Van Houten, Mr. Barns.

Ordered, That the Treasurer of this State advance to Egbt. Benson, Melancton Smith and Peter Cantine, Esqrs. commissioners of conspiracies, &c. or one of them, a sum not exceeding five hundred pounds, on account, and take a receipt for the same.

Sundry resolutions, appointing commissioners to repair to the State of Connecticut to examine the prisoners of this State there, to discharge such of them as appear to be least dangerous, and to direct the others to be brought into this State, were read; and after some time spent therein, the further consideration was postponed till to-morrow morning.

Adjourned till to-morrow morning.

FRIDAY MORNING,
January 2, 1778.

The Council met pursuant to adjournment.

PRESENT—Evert Bancker, Esqr. *Presidt. pro tem.*

Mr. Pawling, Mr. Dunscomb, Mr. Harper, Mr. Webster, Mr. Snyder, Mr. Benson—*Quorum.*

Mr. Van Houten, Mr. Platt, Mr. Clarke, Mr. Barns.

Ordered, That Mr. Lewis and Ezra Hiah Wetmore, on taking the oath of allegiance, be discharged from confinement. The said two persons were accordingly called in, and they severally took and subscribed the following oath, to wit:

"We, William Lewis and Ezra Hiah Wetmore, do respectively swear on the Holy Evangelists of Almighty God, that we will respectively bear true faith and allegiance to the State of New-York, and do our duty as good subjects ought to do: So help us God.

"WM. + LEWIS.
"EZRA HIAH WETMORE."

Mr. Platt informed the Council that Mr. Gilbert Livingston and himself had appointed Melancton Smith, Esqr. an agent to purchase hay and grain for the use of the Legislature, pursuant to the resolution of this Council of the 1st of December last.

Mr. Smith attending, reported to the Council that he purchased the quantity of hay specified in the resolution of the Council for that purpose, but that he had not as yet procured the necessary quantity of grain, not having been able to procure more than about 300 bushels, and requested that a sum might be ordered to him in advance, and that the Council would determine what he is to be allowed for his commissions.

The Council taking the same into consideration, and also that a further quantity of hay would be required for the use of the Legislature,

Resolved, That in addition to the forty tons mentioned in the resolution of this Council of the 1st of December last, the said Melancton Smith be authorized to purchase the further quantity of ten tons of hay, and cause the same to be brought to this place and deposited in proper magazines for the use of the Legislature.

Ordered, That the Treasurer of this State advance to said Melancton Smith, agent as aforesaid, the sum of £800, and that Mr. Smith account to this State for the expenditure thereof.

Resolved, That the said Melancton Smith, agent as aforesaid, be allowed for his services and expenses, a commission of five per cent upon the moneys to be paid out by him.

Adjourned until the afternoon.

FRIDAY AFTERNOON,
Poughkeepsie, January 2, 1778.

The Council met pursuant to adjournment.

PRESENT—Evert Bancker. Esqr. *President pro tempore.*

Mr. Benson, Mr. Harper, Mr. Van Houten, Mr. Platt, Mr. Scott, Mr. Webster, Mr. Clarke, Mr. Barnes, Mr. Pawling, Mr. Snyder, Mr. Dunscomb.

The Council proceeded to the consideration of certain resolutions appointing commissioners to superintend the return of the prisoners of this State (now at Hartford) into this State. The same being again read, were unanimously approved of and agreed to, in the words following, vizt:

WHEREAS upon the loss of the fortresses in the Highlands, in consequence whereof the enemy possessed themselves of the navigation of Hudson's river, it became absolutely necessary for the public safety to remove the prisoners confined on board the Fleet prison, and in the jail of

Kingston, in the county of Ulster, out of this State; and the said prisoners were accordingly by order of this Council conveyed to Hartford, in the State of Connecticut: And whereas it was the intention of this Council that the said prisoners should be remanded to this State as soon as the situation of public affairs would admit thereof, therefore,

Resolved, That Melancton Smith, Peter Cantine and Jeremiah Van Rensselaer, Esquires, be, and they are hereby appointed commissioners to superintend the return of the said prisoners into this State; and they are hereby required to meet for that purpose at Hartford, on the 20th day of January instant. That the said commissioners, or any two of them, be, and they are hereby, authorized by examining the minutes of the commissioners for conspiracies, &c. or the minutes of any committee within this State, or by examining any person or persons on oath, to obtain information of the characters of, and of the crimes charged, and of the proofs that can be obtained against the said prisoners respectively. That the said commissioners, or any two of them, be, and they are hereby, authorized and empowered to permit such of the said prisoners to go at large, as they shall think proper, provided that such permission to go at large shall not be construed to pardon the said prisoners respectively of any treason or other offence heretofore committed by them, or to exempt them from being at any time hereafter apprehended, tried or punished for the same. That the said commissioners, or any two of them, cause such of the said prisoners as shall not be so permitted to go at large, to be returned unto this State under guard, and confined in such jails as the said commissioners, or any two of them, shall deem proper. And the keepers of the several jails in this State, are hereby authorized and required, upon the mittimus of the said commissioners, or any two of them, to receive into their custody respectively, such of the said prisoners as shall be committed to their respective jails, and detain them in safe custody until they shall be thence delivered by due course of law. And that the said commissioners, or any two of them, be, and they are hereby, authorized and empowered to collect, settle and discharge the accounts of, and the expenses which have occurred in or about the removal of the said prisoners from this State into the State of Connecticut, or in or about their residence or confinement there, besides defraying the expenses that will arise upon the business hereby committed to them:

And whereas it may be requisite, the better to enable the said commissioners to discharge such accounts and defray such other expenses as may arise in the above business, that they should be permitted to purchase flour in this State, and to transport the same to the State of Connecticut.

Resolved, therefore, That the said commissioners, and each of them, for the purposes aforesaid, be, and they and each of them is, and are hereby, authorized and permitted to purchase any quantity or quantities of flour, and the same to transport out of this State, and to sell and dispose thereof, rendering an account of the profits to the Auditor of this State.

Resolved, That Capt. Ezekiel Cooper, with 20 men of his company, march to Hartford, in the State of Connecticut; and that upon his arrival there, he put himself under the command and direction of the said commissioners; and that he begin his march so as to be at Hartford on the 20th day of this instant month of January.

Resolved, That the Treasurer, out of the treasury of this State, advance to Capt. Ezekiel Cooper, the sum of forty pounds, to defray the expense of the said guard to Hartford; that the said commissioners be charged therewith, and that Capt. Cooper account to them for the expenditures thereof.

Ordered, That the Treasurer, out of the treasury of this State, advance to the said commissioners the sum of one thousand five hundred pounds, to defray the expense of the business hereby committed to them, and that they be accountable to this State for the same.

Resolved, That the said commissioners be allowed, each of them, for the time they shall be actually employed in the above business, the sum of sixteen shillings per day, besides the subsistence of themselves and their horses.

Ordered, That the President write to each of the said commissioners, (enclosing certified copies of foregoing resolutions,) by express, and request of them to attend to the execution thereof, and for that purpose that they may meet together at Spencer's, in the Oblong, on the 15th instant.

Mr. Platt informed the Council, that upon the loss of the forts in the Highlands, he had taken certain quantities of flour and grain in and about this place, and caused the same to be removed, in order to prevent their falling into the hands of the enemy. That although this Council had, by letter, approved of his conduct, yet he conceived a further security necessary, and that he ought to be indemnified by a resolution to be passed for that purpose. Mr. Platt further informed, that he had paid the sum of £16 16*s*. for the freight of 84 barrels of the said flour and grain transported to Albany and delivered to Jacob Cuyler, Esq. commissary-general of provisions there, and had taken a receipt from Valentine Baker for the said sum. That of the said flour so transported to Albany, there were 35 barrels said to have belonged to a certain Henry Ruscrow, and which were sent to Albany under the care of Thomas Henderson, with directions to deliver the same to the commissary-general of purchases there: that the said Thos. Henderson, as he himself informs, has, notwithstanding, sold the said 84 barrels of flour to the said commissary-general for forty shillings per hundred; that it cannot be discovered where the said Henry Ruscrow now is, though it is suspected that he is with the enemy; that the said Thomas Henderson is now possessed of the cash arising by the said sale of the said 35 barrels of flour, and demands 4 shillings per barrel for the freight and 5 per cent. for his commission upon the sale.

The same being taken into consideration,

Resolved, That Zephaniah Platt, Esqr. be and he is hereby indemnified and saved harmless from and against all costs, charges and damages which may be adjudged or awarded against him, in any and every suit and action which shall or may be commenced against him for or by reason of the premises, or any part thereof.

Ordered, That the Treasurer, out of the treasury of this State, pay to the said Zephaniah Platt, Esq. the sum of sixteen pounds sixteen shillings, moneys advanced by him to Valentine Baker for the freight of 84 barrels of flour and wheat from Poughkeepsie to Albany, and delivered to Jacob Cuyler, commissary-general of purchases there; that Mr. Platt file with the Treasurer the receipt to him from the said Valentine Baker for the said sum so advanced by him as aforesaid, and that the Treasurer thereupon charge the United States with the said sixteen pounds sixteen shillings.

Resolved, That Thomas Henderson pay unto the Treasurer of this State the moneys arising from the sale of 35 barrels of flour, said to have belonged to Henry Ruscrow, and which were, by order of Zephaniah Platt, Esq. removed from this place to Albany on or about the 8th day of October last, retaining in his hands the sum of 4 per cent. per barrel for the freight thereof.

SATURDAY MORNING,

January 3, 1778,

Council met.

Present—Evert Bancker, Esq. *President pro tem.*

Mr. Scott, Mr. Pawling, Mr. Benson, Mr. Snyder, Mr. Harper, Mr. Webster—*Quorum.*

Mr. Van Houten, Mr. Clark. Mr. Williams, Mr. Gilb. Livingston.

Certain resolutions appointing a commissary to dispose of the forage procured for the use of the Legislature, were read and agreed to as follows, vizt.

Resolved, That Moses Smith be and he is hereby appointed commissary to receive and dispose of the forage provided for the use of the Legislature; that he dispose of the said forage (if they shall respectively choose to purchase the same) in the manner following, namely: To His Excellency the Governor, the quantity of two tons of hay and twenty bushels of grain; and to the Chancellor, Judges of the Supreme Court, members of Senate and Assembly, and all officers whose daily attendance is required on the Legislature, each a quantity not exceeding half a ton of hay and thirty-four bushels of grain, at the rate of 10*s*. per hundred weight for the hay and 10*s*. per bushel for the grain.

That he receive of the several persons purchasing the said forage, upon the delivery of the same, the money for the quantity they shall respectively purchase.

That he from time to time provide proper places for depositing such of the said forage as shall be undisposed of.

That he dispose of such of the said forage as shall remain undisposed of after the 13th day of February next, to the several persons above mentioned, each a farther quantity, not exceeding five hundred weight of hay and four bushels of grain, at the prices above mentioned.

That he dispose of such of the forage as shall remain on hand after the 15th day of March next or the rising of the Legislature, whichever shall first happen, at public vendue.

That he account with the Auditor of this State for the moneys to be received by him upon the sale of the said forage.

That he shall not be obliged to weigh or measure out to any person a less quantity than one hundred weight of hay and one bushel of grain at one time.

That he be allowed, besides the expenses that may attend the execution of the business hereby committed to him, for his own services, five per cent upon the moneys upon the sales of the said forage as aforesaid.

After some time spent in the examination of the State prisoners confined in Poughkeepsie jail, taken by Mr. Clark and Mr. Van Houten, the Council adjourned until the afternoon.

SATURDAY AFTERNOON, *January* 3, 1778.

The Council met pursuant to adjournment.

PRESENT—Evert Bancker, Esqr. *Prest. pro tem.*

Mr. Pawling, Mr. Dunscomb, Mr. Snyder, Mr. Webster, Mr. Harper, Mr. Scott, Mr. Benson, Mr. Van Houten, Mr. Clarke.

Resolved and Ordered, That John McKesson and Robt. Benson, the Secretaries of this Council and clerks of the respective Houses of the Legislature, do furnish this Council and the respective Houses of the Legislature with firewood and candles, and that the Vice-Treasurer of this State do audit their accounts for their disbursements in the premises and discharge the same.

Mr. Clark and Mr. Van Houten, two of the members of this Council, who were some days ago requested to examine into the cases of the prisoners now confined in the jail of Dutchess county, verbally reported that they had taken the examination of Cornelius Leister, of Dutchess county; that it appears he is confined for disaffection to the American cause.

Ordered, That he be discharged on entering into recognizance with one or more sufficient sureties to the people of this State in the sum of £1,000, conditioned for his appearance at the next court of oyer and terminer and general jail delivery, to be held in and for the county of Dutchess, and not depart without leave of the said court.

On the further parol report of the said members,

Ordered, That Thomas Bryant be discharged on Jonathan Bryant, of Philips's precinct, in Dutchess county, father of the said Thomas, entering into like recognizances to the people of this State in the sum of £100, to deliver the said Thomas to the sheriff of Dutchess county, on or before the first day of May next.

Ordered, That Mary McKenzie be discharged on McKenzie, the husband of the said Mary, entering into recognizance to the people of this State, in the sum of £100, conditioned for the appearance of the said Mary at the next court of oyer and terminer and general jail delivery, to be held in and for the county of Albany, and not to depart without leave of the said court.

That the President of this Council be, and he is hereby authorized to take the three above mentioned recognizances and deliver them to the Attorney-General, who is hereby authorized and required to certify the said recognizances respectively to the said court of oyer and terminer and general jail delivery, that shall be holden in and for the said counties of Dutchess and Albany respectively.

Ordered, That Daniel Haines and Thomas Murphy be permitted by the sheriff of Dutchess county, to go at large in the precinct of Poughkeepsie, in Dutchess county, upon their respective parols of honor, to be by them respectively subscribed, that they will remain within the said precinct of Poughkeepsie, and not depart the same without leave of this Council, or the executive authority of this State; which parols the Secretaries, or either of them, is hereby authorized to take.

Ordered, That John Hole, Burnet Miller and Edmund Tompkins be respectively discharged by the sheriff of Dutchess county, from their confinement in Dutchess county jail, on their respectively taking the oath of allegiance to this State before the President of this Council.

Ordered, That John McArthur, Peter D. Pomp, Nicholas Rouse, William McDermot and Joseph Hains be respectively discharged from confinement. And as John Armstrong is supposed to be a deserter from Colo. Duboys's regiment,

Ordered, That the said John Armstrong be detained in jail until he be shewn to an officer of Colo. Duboys's regiment; and if it appears that the said John Armstrong is not a deserter, then that he be discharged.

SUNDAY.

January 4, 1778.

The Council met.

PRESENT—Evert Bancker, Esqr. *Presidt. pro tem.*

Mr. Pawling, Mr. Dunscomb, Mr. Scott, Mr. Yates, Mr. Snyder, Mr. Benson, Mr. Harper, Mr. Webster—*Quorum.*

Mr. Barns, Mr. Van Houten, Mr. Kuyper, Mr. Clarke, Mr. Van Schaick.

Lieutenant-Colonel Hammen, from Westchester county, appeared before the Council, and informed that the greater part of that county is almost entirely undefended, exposed to the incursions of the enemy and infested with villains who daily commit murders, robberies and other outrages; and that unless measures were immediately taken for the defence and security of that part of the country, many of the inhabitants will be obliged to move off; and that vast quantities of forage and stores will fall into the hands of the enemy.

A letter from the committee of Albany was received and read, and is as follows, to wit:

"*Albany Committee Chamber, 29th Decr.* 1777.

"HON. SIR—A great quantity of wheat is raised in this and Tryon county; and the season is now at hand, in which the farmers transport and dispose of the same. This committee would beg leave to request the Council of Safety to pass a law to remedy an evil, which if not speedily attended to, will produce the most serious consequences. We are informed that many disaffected persons, in order to realize large sums of money, they have easily and in a short time collected, do purchase quantities of wheat at what price the farmer pleases to ask, and intend storing it

near the river, perhaps with a view to supply the enemy, should they penetrate up the river in the spring, which the disaffected are ready to conjecture; and should this not be the case, they will have an opportunity of disposing of the same to the commissary of purchases, or others who may stand in need of the same, to advantage. There are many others who intend purchasing of grain in order to make money, and with no other view; consequently, interest is their only object. We are informed large contracts are made in Claverack and Kinderhook, at 23*s.* 6*d.* per bushel; those monopolizers in a short time will, we dare say, raise it to forty shillings per bushel. The poor, whose crops have been destroyed, can with difficulty purchase bread to subsist on—the citizens begin to be alarmed—the reason is obvious, since so many will purchase the whole the farmer has, of course, he will not sell by the single bushel, nor dare he venture to ask the price those people will give him, from the poor. The commissary of purchases is apprehensive that many inconveniences will arise in his deferring purchasing, fearing those forestallers will engage so great a quantity, that the army may suffer through his neglect. On the other hand, should his deputies begin to purchase at a certain price, he is apprehensive a higher price will be given by others, which will oblige him to pay the same. This evil may, and it is probable, will continue until the price becomes enormous. The poor who must buy, seeing the public give such high prices, will clamour loudly, and not without reason. The luxuries of life are become extremely dear, and many of the necessaries. These are arguments sufficient to induce those who have wheat to sell, to ask enormous prices for the same. Public virtue has too much given place to private interest; and we are well assured, without some salutary mode is soon adopted, the poor of this county will suffer much for want of bread; a want that cannot be dispensed with; and the public will be much imposed on. We therefore wish the Council would take this matter into immediate consideration, and transmit us their advice and direction by the bearer, who goes for the express purpose, and will wait their answer.

"We are, hon. sir, with great respect,
"Your very humble servants.
"By order,
"MAT. VISSCHER, *Secry.*

"To the President of the Council of Safety."

Besides the above information from Col. Hammen and the above letter from the committee of Albany, there being several important matters now before this Council, upon which the safety of the State essentially depends, and for which it is impossible for this Council to devise and apply proper remedies unless the session of this Council is continued beyond this day; and it being possible that cases equally important and necessary may arise, before a quorum of both houses of the Legislature shall assemble, the Council proceeded to take into consideration whether it would be proper and expedient for the present Convention of this State, or for this Council during their recess, to sit and transact business until a competent quorum of the Legislature shall be convened: Whereupon,

Resolved unanimously, That the present Convention of this State ought, and during their recess that this Council will, from the absolute necessity of the case, sit and continue to exercise the powers and authorities heretofore exercised by them, respectively, until a sufficient number of members requisite to form a Legislature shall have met, in this or some other place within this State.

The Council then proceeded to the consideration of the aforesaid application from Lieut. Col. Hammen, respecting Westchester county, and the probability that the situation of other parts of this State may require an extraordinary provision for their defence.

Resolved, That His Excellency the Governor be, and he is hereby requested to provide, in such manner as he shall think most effectual, for the security and defence of the said county of Westchester, and other frontier parts of this State, by levies or detachments from the militia of this State, not exceeding seven hundred men, officers included, to continue in the said service for the space of one year, or such shorter time as he shall think proper; and that this State will defray the expense thereof, according to the Continental establishment of pay and rations.

And in order the more effectually to facilitate such levies or detachments as aforesaid,

Resolved, That certain resolutions of the Council of Safety of this State, passed the thirty-first day of July, in the year of our Lord one thousand seven hundred and seventy-seven, for laying assessments on the exempts from military duty in the militia of this State, to be distributed in bounties among the militia who should be drafted for actual service, be and hereby are revived, and shall be and continue in full force and effect, and extend to all persons who, being of the age of sixty years or upwards, are excepted in and by the said resolutions from the operation thereof, and apply as well to the case of new levies as of detachments to be made by His Excellency the Governor, until further provision by the Legislature of this State, any thing in the said resolutions, or either of them contained, to the contrary hereof in any wise notwithstanding.

Ordered, That the letter from the committee of Albany be committed to Mr. Yates and Mr. Benson, and that they report thereon.

Adjourned till to-morrow morning.

MONDAY MORNING,

January 5, 1778.

The Council met.

PRESENT—Evert Bancker, Esqr. *President pro tem.*

Mr. Pawling, Mr. Dunscomb, Mr. Scott, Mr. Snyder, Mr. Benson, Mr. Harper, Mr. Yates.—*Quorum.*

Mr. Van Houten, Mr. Clarke, Mr. Barns, Mr. Kuyper, Mr. G. Livingston, Mr. Van Schaick.

Daniel Haines and Thomas Murphy were brought to the Council, and respectively subscribed their parols to remain within the precinct of Poughkeepsie, in Dutchess county, and not depart the same without leave of this Council or the executive authority of this State.

John Hole, Burnet Miller, and Edmond Tompkins respectively took and subscribed the oath of allegiance to this State before the President, and were discharged.

A copy of the examination of Capt. Alexander Baldwin, and a copy of the deposition of Doctor Moses Younglove respectively taken before the chairman of the committee of Albany, and setting forth the cruel treatment they respectively received when prisoners with the enemy, were read and filed.

The committee to whom was referrred the letter from the committee of Albany, received and read yesterday, reported a set of resolutions on the subject matter thereof, which were read, and after some time spent in the consideration thereof: On motion,

Ordered, That the further consideration thereof be postponed till to-morrow.

Ordered, That Mr. Yates, Mr. G. Livingston, Mr. Webster, and Mr. Van Schaick be a committee to devise and report proper means for laying up magazines of summer wheat to be disposed of among such inhabitants of this State as have not sown winter wheat last fall.

A resolution of Congress of the 9th of December last, was read, and is as follows, to wit:

"IN CONGRESS, *Dec.* 9, 1777.

"*Resolved,* That the President write to the several States of Connecticut, New-York, Pensylvania, Maryland, and South-Carolina, representing to them that great and important matters are to be transacted in Congress during the winter, and the few members now attending; and that

he request them to send forward without delay an additional number of members.

"Extract from the minutes,
CHAS. THOMSON, *Secry.*"

The said resolution being taken into consideration,

Resolved, That the President transmit a copy of the said resolution to the Honble. Philip Livingston, one of the Delegates of this State in Congress, and request him to repair to Congress as soon as possible.

MONDAY AFTERNOON, *January* 5, 1778.

The Council met.

PRESENT—Evert Bancker, Esqr. *Presidt. pro tem.*

With the same members as in the morning.

Adjourned till to-morrow morning.

TUESDAY MORNING,
January 6, 1778.

PRESENT—Pierre Van Cortlandt, Esqr. *Presidt.*
Mr. Scott, Mr. Benson, Mr. Pawling, Mr. Snyder, Mr. Webster, Mr. Harper, Mr. Bancker, Mr. Yates, Mr. Dunscomb, Mr. G. Livingston, Mr. Walter Livingston, Mr. Williams, Mr. Barns, Mr. Platt, Mr. Clarke, Mr. Killian Van Rensselaer, Mr. Schoonmaker, Mr. Kuyper, Mr. Drake, Mr. Van Houten, Mr. Van Schaick.

The Council according to order resumed the consideration of the report of the committee on the letter from the committee of Albany, and after some time spent therein, the same was postponed for further consideration.

Adjourned till this afternoon.

TUESDAY AFTERNOON, *January* 6, 1778.

The Council met.

PRESENT—The same as this morning, with the addition of Mr. Morehouse.

Resolved, That Mr. Gilbt. Livingston be, and he is hereby authorized to procure at the expense of Mr. John Holt, printer of this State, a proper house for the erection of his press, and that for the rent and other expenses of procuring the same, this Council will indemnify Mr. Livingston.

The Council according to order, resumed the consideration of the report of the committee on the letter from the committee of Albany, whereupon the resolutions of Congress of the 22d Novr. last, recommending to the Legislatures of the respective States of New-Hampshire, Massachusetts Bay, Rhode Island, &c. Connecticut, New-York, New-Jersey, Pennsylvania and Delaware, to appoint commissioners to convene at New-Haven in Connecticut, on the 15th day of January, in order to regulate and ascertain the price of labour, manufactures, internal produce, &c. &c. &c. And also recommending to the respective Legislatures without delay, to adopt and effectually to enforce a temporary regulation of the prices of provisions and other commodities, for the supply of the army, to continue in force until the general regulations before proposed shall be adopted, were read; and thereupon,

Ordered, That the subject matter of the said letter from the committee of Albany and of the said resolutions, be committed to Mr. Scott, Mr. Yates, Mr. Platt and Mr. Benson to report thereon.

Adjourned till to-morrow morning.

WEDNESDAY MORNING,
January 7, 1778.

The Council met pursuant to adjournment.

PRESENT—Colo. Van Cortlandt, *Presidt.*

And the same members as yesterday afternoon.

A petition of Stephen Smith, of Ridgefield, in the county of Fairfield and State of Connecticut, setting forth that he is possessed of a farm of land in the southern part of the town of Salem, in this State, about four miles distant from the dwelling house in which the petitioner resides, in Ridgefield aforesaid; that the said petitioner did last year reap on the said farm about 200 bushels of wheat, which still remains stored on the said farm, excepting about 50 bushels thereof, sold to the inhabitants in Salem. The petitioner, therefore prays a license to export the said wheat from Salem to the place of his residence at Ridgefield, in Connecticut, for the use of his family was read. Also, a letter from Mr. Peter Byvanck, a refugee from New-York, now residing at Ridgefield, directed to Evert Bancker, Esqr. confirming the facts set forth in the said petition, was also read. Thereupon,

Resolved, That the said Stephen Smith be and he is hereby licensed and permitted to export the said wheat (amounting to about 150 bushels) from Salem, in this State, to the place of his residence at Ridgefield in Connecticut.

Adjourned until 3 o'clock this afternoon.

JOURNAL

OF THE

PROVINCIAL CONVENTION.

WEDNESDAY AFTERNOON,

January 7, 1778.

The Convention met.

Present—Colo. Van Cortlandt, *President*.

Members of Senate.

Mr. Ten Broeck,	Mr. Landon,
Mr. Yates,	Mr. Webster,
Mr. Van Schaick,	Mr. Parks,
Mr. Wisner,	Mr. Scott.
Mr. Pawling,	

Members of Assembly.

Mr. Harper,	Mr. Benson,
Mr. Killian Van Rensselaer,	Mr. Morehouse,
Mr. Williams,	Mr. Speaker,
Mr. Bancker,	Mr. Van Houten,
Mr. Dunscomb,	Mr. Barns,
Mr. Snyder,	Mr. Hoffman,
Mr. Jay,	Mr. Clarke,
Mr. Gilbt. Livingston,	Mr. Schoonmaker,
Mr. Drake,	Mr. Kuyper.

Mr. Wisner represented to the Convention that he has sundry accounts with this State, for saltpetre by him purchased, to be manufactured at his mill, and also for bounty on powder manufactured at his said mill; and that the Auditor-General has objections to the auditing of his accounts. Mr. Wisner therefore prays that a committee may be appointed to audit and examine his said accounts.

Ordered, That Mr. Harper, Mr. Schoonmaker and Mr. Kuyper be a committee to examine the said accounts, and report thereon.

This Convention being informed that His Excellency the Governor is authorized to cause the lead mines within this State to be worked, for the Continental use, and at the Continental expense; and that a loan of money, out of the treasury of this State, may be necessary for that purpose,

Resolved, That His Excellency the Governor be, and he hereby is, authorized, from time to time as he shall think proper, to draw out of the said treasury any sum or sums of money not exceeding, in the whole, the sum of five thousand pounds as a loan to the Continent, and that the Treasurer charge the same to the Continental account.

Resolved, That Nathaniel Quimby and Levy Quimby, now confined in jail in this place, be discharged from their imprisonment, upon their entering respectively into recognizance, with surety, in the sum of two hundred pounds each, conditioned for their appearance at the next court of oyer and terminer and jail delivery to be held in and for the county of Ulster; that the President of this Convention be authorized to take the same, and deliver it to the Attorney-General, who is hereby authorized and required to certify the said recognizance into the first court of oyer and terminer and general jail delivery which shall be held in and for the said county.

Henry Schenk made an application to this Convention for a license to export out of this State three thousand barrels of flour, and produced the following letter as the ground of his application, vizt:

" *Camp, 6th December*, 1777.

" Major Henry Schenck,

" Sir—Peter Colt, Esquire, writes me that he has directed the salt ordered from the eastward to your care at Fishkill. I would wish you to procure storage for it at New-Windsor, where the flour from hence must be laid down; but we are disappointed in a quantity of about two thousand barrels of flour we had in view for that purpose. This therefore goes by express, to direct, if you have it in your power, to purchase and have in readinesss two or three thousand barrels of flour for the New-England States, to be sent by their wagons from thence with the salt, or our wagons, in case they must proceed to Hartford for the salt; or wagons from James Mease, Esqr. clothier-general, as either may call you. I expect Mr. Colt has by this time got a supply of cash from the loan office of Massachusetts; but be that as it may, I shall endeavor to forward him a supply on my return to York. He will, I hope, help you out in this purchase. I would wish to answer Mr. Colt's letters of the 10th and 23d ult. which I received here, but have neither time nor convenience, our baggage being sent off and the enemy in view.

" I am, sir, your very humble serv't,

" WM. BUCHANAN, *C. G. of P.*

" *P. S.* Your answer to this, I should be glad you would direct to Colo. Ephm. Blaine, D. C. G. of purchases for the middle department, at Head-Quarters, with whom shall be glad you would correspond upon all occasions.

" [Public service.]

" Major Henry Schenck, Assistant Commissary of purchases, Fishkills."

On reading of which letter, Mr. Schenck being asked whether he could make oath that the said flour was destined for Continental use, answered in the negative, and withdrew.

The question was then put whether Mr. Schenk's application should be granted: Whereupon, it is

Resolved, that Mr. Schenk's application shall not now be granted.

Resolved, nevertheless, That the President be, and he is hereby directed to inform him that his application shall be complied with, on his producing evidence on oath that the troops in the New-England States are in present need of flour, or that the above mentioned quantity is wanted for Continental uses only.

Resolved, That Col. Hughes, deputy, is hereby licensed and permitted to export out of this State into the State of Massachusetts Bay, twenty barrels of flour for the use of the Honble. John Hancock and his family.

Adjourned until to-morrow morning.

THURSDAY MORNING.

Poughkeepsie, January 8, 1778.

The Convention met.

PRESENT—Col. Pierre Van Cortlandt, President, and the same members as yesterday afternoon.

The committee appointed to examine and report their opinion on Mr. Wisner's accounts with the State, delivered in their report, which was read, and is in the words following, vizt.

"Your committee appointed to examine the accounts of Henry Wisner, Esqr. relative to saltpetre and bounty on gunpowder, report: That it appears to them that a part of the saltpetre which Mr. Wisner hath purchased for the use of this State, consisting of 2,420¾ lbs. is unattended with such vouchers of its being made of materials collected within this State as are required by a resolution of Convention in that case made and provided; and that in consequence thereof, the Auditor-General refuses to audit his accounts of the same. That nevertheless, from the local situation of the several manufacturers of the said saltpetre, your committee are satisfied that the said saltpetre was made from materials collected within this State, and are of opinion that a strict compliance with the letter of the said resolution in this case ought to be dispensed with, and do therefore recommend the following resolution, to wit:

"*Resolved*, That the Auditor-General of this State be and he is hereby authorized and directed to audit the said accounts for payment, notwithstanding their being unattended with the necessary vouchers as aforesaid.

"That as to the gunpowder manufactured at Mr. Wisner's mills, it appears to your committee that near two thousand weight thereof hath been delivered to the order of the Convention of this State, and that the remainder was delivered to the several orders of Genl. Washington and Genl. Schuyler at different times, excepting about one ton weight thereof remaining in the powder house and ready to be delivered to the order of this State. That the said powder, agreeable to a resolution of Provincial Congress, should have been delivered to the committees of the respective counties where it was manufactured; but that the aforesaid applications and orders prevented a compliance therewith. That Mr. Wisner's answer to the demands of the Generals aforesaid, was highly expedient, as a speedy supply of that article was indispensably necessary to promote the public good, and that he has fully complied with the spirit of the said resolution, and do therefore recommend the following resolution, to wit:

"*Resolved*, That the Auditor-General of this State be and he is hereby authorized and directed to audit Mr. Wisner's accounts of the same for payment, notwithstanding their being unattended with the necessary vouchers required by the letter of the said resolution."

The said report being read,

Resolved, That this Convention do approve of the said report of their committee, and that the same stand confirmed.

Resolved, That Elihu Marvin and Isaac Nichols, Esqrs. be and they are hereby appointed commissioners of sequestration on the north side of the mountains in the county of Orange, with the like powers as are vested in the commissioners of sequestration in that and the other counties of this State.

David Doty, of Amenia precinct, Dutchess county, attending, informed this Convention that Zedick Knapp, of Amenia precinct hath sold his farm in the said precinct and purchased another at Salisbury, Connecticut, to which place he intends to remove with his family. That he hath raised on the said farm in Amenia precinct about 180 bushels of wheat, and he prays a license to export the same to Salisbury for the use of his family. That Stephen Delano, of Sharon, last year hired a farm of the said David Doty, situate in Amenia precinct aforesaid, on which the said Stephen Delano then resided, and on which he raised about 180 bushels of wheat, for which said wheat the said Stephen Delano requests a license likewise to transport the same to Sharon. The said David Doty having made oath that he verily believes the above facts to be true,

Resolved, That the said Zedick Knapp be and is hereby licensed to export out of this State to Salisbury, the said 100 bushels of wheat, and that the said Stephen Delano be and is hereby licensed to export out of this State to Sharon the said 180 bushels of wheat for the use of their respective families.

Resolved, That the commissioners of sequestration in this State do, without delay, account with the Auditor-General of this State for all such sum or sums of money as shall have come into their hands in the execution of their offices respectively; and that immediately on such audit, they do deposit the balance in their respective hands into the treasury of this State.

It being represented to this Convention that the seals of this State are now made and in the possession of His Excellency the Governor, that a set of screws is necessary for the purpose of making use of the said seals, and the Convention being informed that screws for the purpose aforesaid are in the possession of Saml. Bayard, Esqr.

Ordered, That the Secretaries of this Convention, or either of them, be authorized to demand and receive, or order to be received, from Saml. Bayard, Esqr. the screws which were used for the public seals; and in case the same are not in his possession, that the said Secretaries, or either of them, do cause such screws as are necessary for the public seals of this State, to be made, and deliver the same to His Excellency the Governor.

THURSDAY, *P. M. January* 8, 1778.

PRESENT—Pierre Van Cortlandt, Esqr. *President.*

Mr. Scott, Mr. Yates, Mr. Van Schaick, Mr. Wisner, Mr. Pawling, Mr. Landon, Mr. Webster, Mr. Parks, Mr. Ten Broeck—*Members of Senate.*

Mr. Harper, Mr. K. Van Rensselaer, Mr. Williams, Mr. Bancker, Mr. Dunscomb, Mr. Snyder, Mr. Drake, Mr. Van Houten, Mr. Barns, Mr. Hoffman, Mr. E. Clark, Mr. Schoonmaker, Mr. Kuyper, Mr Hathorne, Mr. Coe, Mr. Honeywell, Mr. Crane, Mr. Speaker—*Members of Assembly.*

Resolved and Ordered, That Margaret, the wife of John Turner, late of Haverstraw precinct, in Orange county, now gone to the enemy, together with the aged, decrepid mother of the said John Turner, be, by the committee of Haverstraw precinct, permitted to remain in Orange county until the said mother of the said John Turner, can, if living, be sent to the city of New-York by water without endangering her life, provided that this resolution and order shall in no wise effect or interfere with the commissioners of sequestration in Orange county, in seizing, selling or disposing of any property left in the country by the said John

Turner; and that the said Margaret and the said mother of the said John Turner or either of them be not left in the possession of any other property of the said John Turner than would have been left in their possession if the above resolution and order had not passed.

Application being made by Major-General Putnam commanding officer of the middle department, that this Convention would appoint a committee to confer with him relative to the necessary works to be constructed for the defence of the passes in the Highlands,

Resolved, That the General's request be complied with, and that Mr. Scott, Mr. Pawling, Mr. Wisner, Mr. Snyder, Mr. Killian Van Rensselaer, Mr. Drake, Mr. Hathorn and Mr. Hoffman, be a committee for that purpose.

FRIDAY, 10 A. M.

January 9, 1778.

The Convention met.

PRESENT—Pierre Van Cortlandt, Esqr. *President.*

Mr. Scott, Mr Yates, Mr. Van Schaick, Mr. Wisner, Mr. Pawling, Mr. Landon, Mr. Webster, Mr. Parks, Mr. Smith, Mr. Platt, Mr. Ten Broeck—*Members of Senate.*

Mr. Harper, Mr. K. Van Rensselaer, Mr. Williams, Mr. Bancker, Mr. Dunscomb, Mr. Snyder, Mr. Drake, Mr. Van Houten, Mr. Barnes, Mr. Hoffman, Mr. E. Clark, Mr. Schoonmaker, Mr. Kuyper, Mr. Hathorne, Mr. Coe, Mr. Honeywell, Mr. Crane, Mr. Speaker, Mr. Livingstan, Mr. Brinckerhoff, Mr. Boerum—*Members of Assembly.*

General Scott, from the committee appointed yesterday evening, to confer with Gen. Putnam, Gen. James Clinton, the lieutenant-colonel of engineers and other military officers, relative to the necessary works to be constructed for the passes in the Highlands, and the place or places where the same ought to be erected, reported that they had conferred with the said generals and other officers; that on such conference there was a disagreement in sentiment between those gentlemen, (arising from certain different facts alleged,) as to the place where such works ought to be erected; and therefore that it was the opinion of the said committee and the military gentlemen, that this Convention appoint commissioners to view the several passes on Hudson river, with the generals and other officers, and advise in fixing the places where such fortifications should be erected.

Resolved, That John Sloss Hobart, Esqr. one of the justices of the supreme court, the Honble. Robt. R. Livingston, Chancellor of this State, Mr. Platt, Mr. Wisner, and Colonel Hathorn be, and hereby are, appointed commissioners for the purpose above mentioned, and proceed on that business with all possible despatch.

A letter to the Chancellor, requesting his immediate attendance on the business of the commissioners before appointed, was read, and follows, to wit:

"The Convention have appointed you, together with Judge Hobart, Mr. Platt, Mr. Wisner and Colo. Hathorne a committee to repair, with Generals Putnam and Clinton, the engineer and other military gentlemen, to fix on the place for building fortifications on Hudson's river.

"The other gentlemen are to set out, with the generals, immediately, and you are earnestly requested to join them with all possible despatch.

"I am, respectfully, sir,

"Your very humble servt."

Ordered, That Robert Benson, Esqr. one of the Secretaries, do proceed with the said letter to the Chancellor, with all possible despatch.

On application of Colo. Duboys,

Ordered, That Obadiah Compton, Archibald Morrison, Ezekiah Davis, John Bancker and Bartholomew Bancker, soldiers enlisted in Colo. Duboys's regiment, be discharged from confinement in Dutchess county jail, and permitted to join their regiment.

The committee appointed on the 5th instant, to devise and report proper means for laying up magazines of summer wheat, to be disposed of among such inhabitants of this State as have not sown winter wheat last fall, brought in their report, which was read. After much time spent thereon,

Ordered, That the report be recommitted to the same committee, and that Mr Lott be added to that committee.

A petition of John I. Graham, confined in Dutchess county jail, praying a discharge from jail, and engaging, by his future conduct and behaviour to be a useful member of the United States.

Resolved and Ordered, That the said John I. Graham be discharged from jail on his entering into recognizance to the people of the State of New-York, in the sum of one thousand pounds, with two freeholders bound with him as sureties; each in the sum of five hundred pounds, conditioned for the appearance of the said John I. Graham, at the next court of oyer and terminer and general jail delivery, to be held in and for the county of Ulster, and not to depart without leave of the said court; that the President of the said Convention, be and is hereby authorized to take the said recognizance, and deliver it to the Attorney-General, who is hereby authorized and required to certify the said recognizance to the next court of oyer and terminer and general jail delivery that shall be held in and for the said county of Ulster.

Adjourned till three o'clock in the afternoon.

3 *ho. P. M.*

Twenty-five members of those who attended in the morning met. But two of the members having accidentally withdrawn before any business was begun, for want of a quorum, the other members adjourned.

SATURDAY, 10 HO. A. M.

January 10, 1778.

The Convention met.

PRESENT—Pierre Van Cortlandt, Esqr. *President.*

Mr. Webster, Mr. Scott, Mr. Pawling, Mr. Smith, Mr. Landon, Mr. Ten Broeck, Mr. Van Schaick, Mr. Yates, Mr. Parks—*Members of Senate.*

Mr. Bancker, Mr. Dunscomb, Mr. Cuyper, Mr. E. Clarke, Mr. Snyder, Mr. Williams, Mr. Barns, Mr. Van Houten, Mr. K. Van Rensselaer, Mr. Coe, Mr. Schoonmaker, Mr. Benson, Mr. Jay, Mr. Gil. Livingston, Mr. Harper.—*Members of Assembly.*

Resolved, That this Convention will appoint three commissioners to meet commissioners from the States of New-Hampshire, Massachusetts Bay, Rhode-Island and Providence Plantations, Connecticut, New-Jersey, Pennsylvania and Delaware, at New-Haven, in Connecticut, on the 15th day of January instant, pursuant to the resolutions of the Honourable Congress, on the 22d day of November last, unless other commissioners shall be appointed by the Senate and Assembly of this State for that purpose.

Resolved, That Wm. Floyd and Comfort Sands, Esqrs. be and hereby are nominated to be two of the said commissioners; and that they be immediately notified of this nomination by letter from the President, to be sent by express; and that Comfort Sands, Esquire, be requested to pass through Poughkeepsie on his way to New-Haven aforesaid.

Resolved, That the nomination of the third commissioner be deferred for consideration.

Resolved, That Mr. Yates, Mr. Scott and Mr. Benson be a committee to prepare and report a commission and instructions for the said commissioners.

Abraham B. Bancker, Esqr. commissary of prisoners of war, in this State, request a further advance of money for the necessary support of prisoners in his care.

Ordered, That the Treasurer of this State do advance to the said Abraham B. Bancker, as commissary of the prisoners of war, the further sum of one hundred pounds, and take his receipt for the same.

Colo. John Harper of Tryon county, attending the Con-

vention, was admitted. He produced certain accounts relative to the companies he was ordered to raise in and for the defence of Tryon county, which he requests might be settled. Colo. Harper further requests that additional commissioners of sequestration may be appointed in Tryon county; and mentions some further regulations, which he thinks necessary in Tryon county.

Ordered, That Mr. Van Schaick, Mr. Landon and Mr. Schoonmaker be a committee to confer with Col. Harper, and report to the Convention on the premises.

"SIR—I am directed by the Convention to inform you that you are appointed one of the commissioners from this State, to meet commissioners from the States of New-Hampshire, Massachusetts Bay, Rhode-Island and Providence Plantations, Connecticut, New-Jersey, Pennsylvania and Delaware, at New-Haven, on the 15th instant, pursuant to certain resolutions of Congress, passed on the 22d of November last.

"The Convention request that you will set out on this important business, so as to be at New-Haven on the day appointed; and that you will, on your way, pass through Poughkeepsie, where a commission or appointment of Wm. Floyd, Esqr. yourself and the other gentlemen who may be appointed, will be ready for you."

Adjourned till ten o'clock to-morrow morning.

SUNDAY, 10 A. M.

January 11, 1778.

The Council met.

PRESENT—Pierre Van Cortlandt.

Mr. Scott, Mr. Webster, Mr. Pawling, Mr. Landon, Mr. Ten Broeck, Mr. Van Schaick, Mr. Yates, Mr. Woodhull—*Senators.*

Mr. Bancker. Mr. Dunscomb, Mr. Cuyper, Mr. E. Clarke, Mr. Snyder, Mr. Williams, Mr. Van Houten, Mr. K. Van Rensselaer, Mr. Schoonmaker, Mr. Jay, Mr. Benson, Mr. Gilb. Livingston, Mr. Wicks, Mr. Harper—*Members of Assembly.*

Mr. McKesson, one of the Secretaries, produced to the Convention, accounts of money charged by William Holly of Goshen, for maintaining five prisoners of war, each one hundred and thirty-four days, from the 26th of March to the 7th day of August last included, amounting to thirty-three pounds fourteen shillings and four pence, exclusive of a bill of Doctor John Gale, for medicines to and attendance on Donald McDonald, one of the said prisoners, in sickness, charged at £2 13*s.* 9*d.* and exclusive of a bill of Doctr. Thos. Wickham, for medicines to and attendance on Donald McMullan, another of the said prisoners, charged at 46*s.* which two bills the said Secretary alleges he thinks himself not authorized to pay. The said two bills being considered as exorbitant, and a gentleman of the profession having examined and rated the same at the sums hereafter mentioned,

Ordered, That the said Secretary allow and pay in the said account of William Holly, the sum of twenty-six shillings for the bill of the said John Gale, and no more; and the sum of twenty shillings only for the bill of the said Thomas Wickham. And

Ordered, That the Treasurer of this State pay to the said John McKesson for the amount of the said William Holly's account, with the addition of the said bills of Thos. Wickham and John Gale as moderated, the sum of thirty-five pounds nineteen shillings and four pence.

"GENTLEMEN—Pursuant to a resolution of the Honourable Congress, passed on the 15th of August, which is the first resolution of that nature that came to our knowledge, and of which were notified late in November. We enclose you accounts and vouchers of disbursements paid by this State for prisoners of war, to be immediately laid before Congress.

"It is very probable that this State has advanced other moneys for the maintaining and securing of prisoners of war, for which, if sufficient vouchers should hereafter be produced, we will depend on the justice of the United States, and the resolution of Congress to exclude the accounts notwithstanding.

"We received the resolution above mentioned, at a time when we were not in a situation to have recourse to our minutes or accounts, which had been hastily removed from the conflagration of Kingston.

"We request you, gentlemen, when these accounts are passed, to procure the amount of them to be paid into our treasury, as our funds require aid.

"Mr. Abraham B. Bancker is at present cammissary of the prisoners of war in this State, and has a number of such prisoners in his care.

"We expect so many members as to form a quorum of each branch of the Legislature without delay, and earnestly request that you from time to time transmit us any resolutions of Congress which concern this State, and any other advices which may be useful to us.

"I have the honour to be,

"With respect and esteem,

"Gentlemen, your very humble servant.

MONDAY, 10 HO. A. M.

January 12, 1778.

The Convention met.

PRESENT—Pierre Van Cortlandt, Esqr. *Presidt.*

Mr. Scott, Mr. Paulding, Mr. Yates, Mr. Webster, Mr. Landon, Mr. W. Smith. Mr. Ten Broeck, Mr. Van Schaick, Mr. Woodhull—*Senators.*

Mr. Harper, Mr. Livingston, Mr. Snyder, Mr. Schoonmaker, Mr. Bancker, Mr. Benson, Mr. E. Clark, Mr. Kuyper, Mr. Williams. Mr. Wicks, Mr. Jay, Mr. Dunscomb, Mr. Coe, Mr. Van Houten, Mr. K. Van Rensselaer, Mr. Robt. Graham—*Members of Assembly.*

Resolved, That this Convention will appoint five commissioners to meet commissioners from the States of New-Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New-Jersey, Pennsylvania and Delaware, at New-Haven in Connecticut, on the 15th day of January instant, pursuant to the resolutions of the Honorable Congress on the 22d of November last, unless other commissioners shall be appointed by the Senate and Assembly of this State, for that purpose.

Resolved, That William Denning and Peter T. Curtenius, Esqrs. be and hereby are nominated to be two of the said commissioners, together with William Floyd and Comfort Sands, Esqrs. who were nominated by Convention for that purpose, on the tenth instant, and that the said William Denning and Peter T. Curtenius be immediately notified of this nomination by letters from the President, to be sent by an express, and that each of them be requested to pass through Poughkeepsie in their way to New-Haven.

Robert Graham, Esqr. came in and took his seat.

Resolved, That the nomination of a fifth commissioner be postponed until the afternoon.

Ordered, That the President write to Messrs. Denning and Curtenius, informing them of the said appointment, and requesting them to set out on the important business, so as to be at New-Haven on the day appointed or as soon after as possible, and that in their way they stop at Poughkeepsie.

A letter from the committee of Westchester county directed to the commissioners of conspiracies, &c. was read. It accompanies eight prisoners sent to this place under guard, by the said committee, to be dealt with as the said commissioners shall think adequate to their crimes, which are as follows, vizt:

Peter Wood, Wm. Mead, Wm. Akely, Jerh. Merrit; guilty of horse stealing and house robbery.

David Dutcher, was a lieutenant in the Continental service in 1776, and in the enemy's service in 1777.

Danl. Wright, joined the enemy and fired on our guard.

Dan. Stanley, taken going to the enemy with a protection.

Joshua, alias Jonathan Hains, taken with the enemy.

Ordered, That they be committed to the jail of Dutchess county.

WHEREAS the northern and western frontiers of this State have been laid waste in the last campaign, by reason whereof the farmers in that quarter have not been able to sow their winter grain as usual: AND WHEREAS it may be requisite in order that the inhabitants in that part of the country may be properly supplied with the necessaries of life, that the lands which remain unsown as aforesaid, should in the ensuing spring be sowed with summer wheat or rye. Therefore,

Resolved, That it be recommended to such of the farmers in the counties of Albany, Tryon, Charlotte, Gloucester and Cumberland, who have not been able to sow their lands with winter grain as usual, to procure summer wheat or rye, and sow their lands with the same in the ensuing season.

Resolved, That it be recommended to all persons possessed of summer wheat or rye, to abstain from manufacturing the same into flour or meal, and keep the same for seed grain, to be disposed of to such persons as shall be desirous of applying it to the uses aforesaid.

TUESDAY MORNING,

January 13, 1778.

PRESENT—Pierre Van Cortlandt, Esquire, *President*.

Mr. Ten Broeck, Mr. Webster, Mr. Smith, Mr. Pawling, Mr. Landon, Mr. Scott, Mr. Woodhull, Mr. Yates, Mr. Van Schaick—*Senators*.

Mr. Speaker, Mr. Clarke, Mr. Kuyper, Mr. Dunscomb, Mr. G. Livingston, Mr. Coe, Mr. Bancker, Mr. Clide, Mr. Klock, Mr. Edie, Mr. Jay, Mr. Crane, Mr. Swartwout, Mr. Russel, Mr. Boerum, Mr. Harper, Mr. Van Houten, Mr. Schoonmaker, Mr. Graham, Mr. Brinckerhoff, Mr. Barns, Mr. Benson, Mr. Wickes, Mr. Snyder, Mr. Honeywell—*Members of Assembly*.

On reading the petition of John Armstrong, confined in the jail at this place,

Ordered, That he be discharged.

Ordered, That Mr. Speaker of the Assembly, Mr. Brinckerhoff and Mr. Benson be a committee to devise and report proper means for supporting the prisoners confined in the jail of Dutchess county.

The committee to whom was referred the consideration of sundry matters laid before Convention by Colonel John Harper, of Tryon county, delivered in their report, which was read and agreed to, and is in the words following:

"The several matters submitted to their consideration were as follows, vizt:

"1st. That there are but two commissioners of sequestration, when two more are necessary in said county.

"2d. That there be a particular order to all persons who have seized any of the effects of those who are gone over to the enemy, without the order of the commissioners, to make such persons accountable for the same.

"3d. What is to be done with persons who may conceal the effects of such disaffected persons.

"4th. Whether the commissioners of sequestration have a right to answer an order of the county committee out of the public money in their hands.

"5th. Whether the commissioners shall interfere with the sending of the families of those who have gone over to the enemy out of our lines.

"6th. How those persons shall be paid who have any demand upon the estates of persons whose effects are now sold by the commissioners.

"7th. How those persons who have been driven from their habitations, and deprived of their substance shall be supported.

"8th. Whether Col. Harper's extra expenses for the lighthorse, and expenses for the Indians, &c. may be allowed.

"Upon which the committee reported as follows:

"1st. That in their opinion, there ought to be two additional commissioners of sequestration appointed in said county.

"2d. That there have been competent resolutions passed by the Convention and Council of Safety of this State, empowering the commissioners of sequestration in the several counties to seize and secure the effects of disaffected persons, which may be seized or concealed by other persons, without the orders of the commissioners.

"3d. That no commissioners of sequestration ought to answer an order from the county committee, out of the public moneys, without a special order from the Convention or Legislature of this State.

"4th. That the commissioners ought not to interfere with sending of the families of persons who have gone over to the enemy, as the county or district committees only are empowered at their discretion to send off such families.

"5th. It may justly be presumed, that at some future day, provision will be made, by act or acts to be passed by the Legislature of this State, for discharging the just demands on such estates as may hereafter be adjudged confiscated.

"6th. That where no particular provision has been made for the support of those families who, by the incursions of the enemy, are deprived of their substance, and thereby rendered unable to support themselves, that their distressed situation ought to be referred to the Legislature of this State.

"7th. That Col. Harper's disbursements for the lighthorsemen employed in Tryon county, is not a proper charge against this State, but against the Continent, and that Col. Harper ought to get such proper certificates as he can obtain, and apply for his money to the officer who ordered out the said troop of horse, or to the Commander-in-Chief, or the commissary or quarter-master for the time then being in the northern department; and that his account for disbursement for the Indians should be laid before the commissioners for Indian affairs."

The said report being read, and again read by paragraphs and agreed to,

Resolved, That this Convention agree with the said committee therein, and ratifies and confirms the same.

TUESDAY AFTERNOON, *January* 13, 1778.

PRESENT—Col. Pierre Van Cortlandt, Esqr. *Prest.*

The same members of Senate and Assembly as this morning, with the addition of Col. Robert Van Rensselaer and Mr. Moorehouse.

Ordered, That William Eli be discharged out of Dutchess county jail, on his entering into bond to the Treasurer of this State, in the sum of one thousand pounds, conditioned for the good behaviour of the said William Ely, and his being a faithful subject of the State and doing his duty as a faithful subject ought to do.

WEDNESDAY 10 HO. A. M.

Poughkeepsie, January 14, 1778.

Convention met.

PRESENT—Pierre Van Cortlandt, Esqr. *Presidt.*

Mr. Harper, Mr. Jay, Mr. Dunscomb, Mr. Bancker—*New-York.*

Mr. Mills, Mr. Graham, Mr. Crane, Mr. Honeywell, Mr. Drake—*Westchester.*

Mr. Speaker, Mr. R. Van Rensselaer, Mr. K. Van Rensselaer, Mr. Tayler, Mr. St. J. Schuyler—*Albany.*

Mr. Hathorne, Mr. Kuyper, Mr. Van Houten—*Orange.*

Mr. Edie, Mr. Clyde, Mr. Klock—*Tryon county.*

Mr. Schoonmaker, Mr. Snyder, Mr. Hardenbergh—*Ulster.*

Mr. Weeks—*Suffolk.*

Mr. Coe—*Queens.*

Mr. E. Clark, Mr. Barns, Mr. Russel—*Charlotte.*

Mr. Swartwout, Mr. Hoffman, Mr. G. Livingston, Mr. Morehouse, Mr. Brinckerhoff, Mr. Benson—*Dutchess.*

Mr. Boerum, Mr. Williams—*Kings.*

Mr Scott, Mr. Pawling, Mr. Webster, Mr. Parks, Mr. Woodhull, Mr. Van Schaick, Mr. Smith, Mr. Wisner, Mr. Yates, Mr. Ten Broeck, Mr. Landon—*Senators.*

Resolved, That Jacobus Swartwout, Joseph Strang, Melancton Smith, Peter Cantine, and Egbert Benson, Esqrs. commissioners for conspiracies, or any two of them, be authorized in their discretion, to discharge the parols of the several persons confined on parol by order of the late Council of Safety: Provided that such discharge shall not be construed to pardon the said several persons of any crimes or offences heretofore committed by them, respectively, or remit any punishments or forfeitures they may respectively be subject to.

Resolved, That Mr. Drake, Mr. Bancker and Mr. Honeywell be a committee to audit and examine the account of Davis Hunt against this State, for making a table, benches and other matters for the use of the Senate and Assembly, and that the Treasurer pay to the said Davis Hunt such sum or sums, in discharge of the said account, as the said auditors, or any two of them, shall certify as just and proper.

Resolved, That the commissioners appointed to superintend the return of the prisoners of this State now confined in Hartford, in Connecticut, be authorized to permit such of the said prisoners as they in their discretion may think proper to enlist in any of the five Continental regiments raised under the direction of this State, or in Colo. Malcom's regiment in the Continental service; and that such enlistment shall operate as a pardon to the person so enlisting of all crimes and offences heretofore committed by him, and of all punishments and forfeitures to which he might be liable or subject to by reason thereof: Provided always, that nothing in this or any former resolutions of Convention or Council of Safety contained shall be construed to authorize the said commissioners to discharge any prisoner who by name shall be pointed out to the said commissioners, by the members of Senate or Assembly for the county of which he is an inhabitant, as improper to be discharged.

Major John Younglove, (through a member,) informed the Convention that in the execution of his office of a commissioner of sequestration, and for effects by him sold, he has had the misfortune to receive one counterfeit bill of thirty dollars, and two other counterfeit bills of six dollars each, amounting in the whole to forty-two dollars.

Resolved, That if the said John Younglove make oath before the Vice-Treasurer, that he received the said three bills in the course of the business of his office, and for goods by him sold as a commissioner, and that he does not know the person or persons of whom he received the said bills or either of them; and that he did not know at the time of receiving the same bills, or either of them, that either of them was false or counterfeited, and file such affidavit in the treasury of this State; that he may deliver the said three bills to the President of the Senate or the Speaker of the Assembly, who is hereby directed to see the same burnt: and

Resolved, That on such oath and delivery of the said bills, the said John Younglove be credited in his account with this State as commissioner for the said sum of forty-two dollars.

Resolved, That until further order by the Legislature of this State, the Vice-Treasurer of this State exercise the like powers in favour of other commissioners of sequestration in this State in similar cases; and that all such counterfeit bills as shall from time to time be in like manner received by such commissioners, be in like manner destroyed by the President of the Senate or Speaker of the Assembly for the time then being.

The affidavit of Joseph Payson, of Sudbury, in the State of Massachusetts Bay, (who has imported salt into this State,) in order to obtain a permit for the exportation of one hundred barrels of flour, was read: Thereupon

Ordered, That a permit be given to the said Joseph Payson, in the words following, vizt:

"*By the Convention of the State of New-York:*

"*Poughkeepsie, in Dutchess county, January* 14, 1778.

"Pursuant to certain resolutions of the Council of Safety of the State of New-York, license and permission is hereby granted to Joseph Payson, of Sudbury in Massachusetts Bay, trader, to export 100 barrels of flour of this State to any place or places not in possession of the enemy, in either of the States of Connecticut, Rhode-Island and Providence Plantation, Massachusetts Bay, or New-Hampshire.

"Given this 14th day of January, in the year of our Lord, 1778.

"By order."

An affidavit of Ralph Smith, of Roxbury in Massachusetts Bay, trader, who has imported salt into this State, for the purpose of obtaining a permit to export flour from thence, was read. Whereupon,

Ordered, That a permit, or license, be granted to the said Ralph Smith to export 300 barrels of flour out of this State, similar to the license for the like purpose this day granted to Joseph Payson, and subject to the same restrictions, which was granted accordingly.

An affidavit of William Smith, of Fishkill, in the county of Dutchess, was read, in order to obtain a permit or license for the said William Smith to export 400 barrels of flour out of this State. Whereupon it was

Resolved and Ordered, That a license or permit be issued to the said William Smith to export 400 barrels of flour to Massachusetts Bay State, and that the Secretaries prepare such permit in common form, but that the same remain in the hands of the President until the said William Smith shall have made oath that he will sell and dispose of, by retail, to the inhabitants of this State, as soon after the arrival of the said flour as purchasers shall apply for the same; and that on the said William Smith's having made such affidavit, the said license and permit be delivered to the said William Smith.

Mr. Platt came in and took his seat.

WEDNESDAY, *January* 14, *P. M.* 1778.

PRESENT—The same members as in the morning.

A letter from Francis Lewis, Esqr. one of the Honble. the Delegates of this State, directed to Pierre Van Cortland, Esqr. President, dated the 5th of January instant, was read and follows, vizt:

"SIR—I had the honour to write you lately by the messenger who was sent from hence with money for the expenditures of our State. In that letter I advised you that with the advice and concurrence of my colleague, Mr. Duer, I had purchased woollens for the use of your troops, amounting to £2,223 5*s.* which remains in Mr. Duer's quarters, waiting for your orders.

"By a letter from His Excellency Governor Clinton read this day in Congress, I learn that he had convened the Assembly to meet on the same day. I hope they will advert to the appointment of one or more Delegates to represent them in Congress. Mr. G. Morris does not appear, and Mr. Duer is gone for a few days into the country, his ill state of health requiring a recess from business; so that our State is without a representation in Congress, which at this critical time is to be much regretted, as there is not a sufficient number of members to expedite the business now before the House, and that business hourly accumulating.

"The Legislature of the State of Virginia has ratified the Articles of Confederation: Congress hopes the other

States will speedily follow the example. With profound respect,

"I am, sir,
"Your most obedt. hum. servt.
"FRA. LEWIS.

"PIERRE VAN CORTLANDT, Esqr."
"*Yorktown*, 5*th Jany.* 1778.

Another letter from Francis Lewis, Esqr. was received and read in the words following, vizt:

"SIR.—The express going off gives me but just time to acknowledge the receipt of your favor of the 17th ulto. with the enclosed papers, which I shall immediately lay before Congress, and urge the expediency of those measures therein proposed being carried into execution, and shall advise you with the result.

"Congress has been of late made sensible of many abuses crept into the commissary's and quarter-master's departments, and which will be soon taken under consideration of Congress. I wrote the Honble. President Van Cortlandt this day, to which beg to refer you.

"And am, sir,
"Your obedient humble servant,
"FRA. LEWIS.

"EVERT BANCKER, Esqr."
"*Yorktown*, 5*th Jany.* 1778.

Resolved, That the Delegates from this State in Congress, or any two of them, be authorized and requested to appoint a person to have such of the woollens mentioned in the letter from Francis Lewis, Esqr. of the 5th instant, to the President of this Convention, as are proper for that purpose, made up into soldiers' clothing and delivered in equal quantities, as nearly as may be, to the commanding officers of the two Continental battalions raised under the direction of this State, now at Head-Quarters, or their respective orders—the said commanding officers, by their several orders or receipts, making themselves accountable to this State for the quantity of clothing to be delivered to them respectively; and such of the said woollens as are proper for officers' clothing, be delivered in like manner in cloth.

Resolved, That the committee of Albany be authorized to empower the Quarter-Master-General, his deputies or agents, to impress for the fortifications now erecting in the Highlands, boards for sale in the county of Albany, not exceeding thirty thousand boards, upon such terms and conditions as they shall think proper.

Resolved, That the above resolution be transmitted to the committee of Albany, in a letter from the President, stating to them the absolute necessity of having a quantity of boards for the purpose mentioned, recommending it to them to give the persons employed to procure the boards all the aid in their power in enabling them to obtain the necessary quantity, and at such price as will be a proper and reasonable compensation to the persons having boards for sale. That they be advised to send for such persons and endeavour to determine the price with the actual consent of the said persons and the persons authorized to impress; and if that cannot be effected, that the committee then be advised to regulate and settle the price as they shall conceive just and equitable; and that the committee be requested to urge the inhabitants to employ their saw mills in order that the public may be supplied with the quantity requisite to complete the fortifications.

"Your committee, who were sent to ascertain the place for fixing a chain and erecting fortifications for obstructing the navigation of Hudson's river, beg leave to report: That they have carefully viewed the ground on which Fort Clinton lately stood and its environs, and find that the ground is so intersected with long, deep hollows, that the enemy might approach, without any annoyance from the garrison within the fort, to within a few yards of the walls, unless a redoubt should be raised to clear the hollow next the fort, which must be built at such a distance from the for tt hat it could not be supported from thence in case of an assault, so that the enemy might make themselves masters of the redoubt the first dark night after their landing, which would be a good work, ready to their hand for annoying the fort and facilitating their operations against it; and, together with the eminences and broken grounds within a short distance of the fort, would render it impossible for the garrison to resist a general assault for many hours together. Another objection that appeared to the committee was the want of earth on the spot, which would reduce the engineer to the necessity of erecting his works entirely of timber, which must be brought to Pooploop's kill in rafts, and from thence drawn up a steep and difficult road to the top of the hill. The rafts cannot be made till the water is warm enough for men to work in it, by which it is probable that a fort cannot be erected before the ships of the enemy will come up the river. Besides, at this place, the chain must be laid across the river so that it will receive the whole force of the ships coming with all the strength of tide and wind, on a line of three or four miles. Add to these, if the enemy should be able to possess themselves of the passes in the mountains through which they marched to the attacks of forts Montgomery and Clinton, it would be extremely difficult, if not impossible, for the militia of the country to raise the seige. Upon viewing the country at and about West Point, the committee found that there were several places at which the enemy might land and proceed immediately to some high grounds that would command a fort erected at West Point at the distance of six or seven hundred yards, from which they might carry on their approaches through a light gravelly soil, so that it would be impossible for the fort to stand a long seige. But to balance this disadvantage in this place, there is plenty of earth. The timber may be brought to the spot by good roads from the high grounds at the distance of one to three miles. Three hundred feet less of chain will be requisite at this place than at Fort Clinton. It will be laid across in a place where vessels going up the river most usually lose their headway. Water batteries may be built on both sides of the river for protecting the chain and annoying the ships coming up the river, which will be completely commanded from the walls of the fort. There are so many passess across the mountains to this place, that it will be almost impossible for the enemy to prevent the militia from coming to the relief of the garrison. From these considerations, the committee are led to conclude that the most proper place to obstruct the navigation of the river is at West Point; but are at the same time fully convinced that no obstructions on the banks of the river can effectually secure the country, unless a body of light troops, to consist of at least two thousand effective men, be constantly stationed in the mountains while the navigation of the river is practicable, to obstruct the enemy in their approach by land.

"JNO. SLOSS HOBART,
"HENRY WISNER,
"JOHN HATHORN,
"ZEPHA. PLATT.

"*Poughkeepsie, Jany.* 14*th*, 1778."

WHEREAS the Continental Congress in and by certain resolutions of the 22d day of November last, have recommended to the Legislature, or in their recess, to the executive power of the respective States of New-Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania and Delaware, respectively to appoint commissioners to convene at New-Haven, in Connecticut, on the 15th day of January then next, in order to regulate and ascertain the price of labour, manufacture, internal produce, and manufactures imported from foreign parts, military stores excepted; and also to regulate the charge of innholders: and that on report of the commissioners, each of their respective Legislatures enact suitable laws as well for the enforcing such of the regulations as they shall ratify, and ennablig such innholders to obtain the necessary supplies

as to authorize the purchasing commissaries of the army or any other person whom the Legislature may think proper, to take from any engrossers, forestallers, or other persons possessed of a large quantity of any such commodities or provisions than shall be competent for the private annual consumption of their families, and who shall refuse to sell the supplies at the prices to be ascertained as aforesaid, paying only such price for the same. In compliance therefore with the said recommendation,

Resolved, That William Floyd, Comfort Sands, Peter T. Curtenius and William Denning, Esquires, be and they are hereby nominated and appointed commissioners, to attend at the said meeting or convention, on behalf of this State, with full power and authority to them, or a majority of such of them, as shall from time to time attend, so as there shall be at least two attending, to represent this State, to do and transact all business necessary to be done and transacted in the said meeting or Convention, on the part of this State, touching the several matters mentioned in the said resolutions, saving and reserving nevertheless to the Legislature of this State a right to ratify and adopt such of the regulations and measures to be proposed and concluded on at the said meeting or convention, as they shall deem proper and expedient.

INDEX.

PAGE.

ACCOMMODATION WITH GREAT BRITAIN.

1. Resolutions and proceedings of Provincial Congress respecting plan of, ... 20, 26, 50, 52 to 54, 58
2. Letter to Delegates in Continental Congress respecting, ... 59
3. Answer of, ... 73

ACCOUNTS. (See Auditor-General.)

1. Appointments of committee to audit, 62, 116, 206, 316, 351, 450, 528
2. Letter to Gen. Schuyler relative to duties of pay-master in auditing and allowing, ... 245
3. Colonial and Provincial, directed to be separately kept and distinguished, ... 253
4. Appointment of Evert Bancker as auditor of, instead of John Ray, ... 316
5. Certificate of committee of pay table relative to accounts of Peter Curtenius, ... 506
6. Appointment of Comfort Sands as Auditor-General, ... 540
7. Resolutions of Convention directing a settlement of, with the United States, ... 636
8. Letter from John Gibson, Auditor-General, requesting that the public accounts of this State be transmitted to commissioners for adjusting, &c. at Philadelphia, ... 733
9. Letter from John Gibson, Auditor-General, requesting accounts in the northern department to be laid before commissioners at Albany, ... 733
10. Answer of Committee of Safety, ... 739
11. Letter from Secretary of War, requesting an account of expenses of prisoners of war, ... 983

ACT OF GRACE.

(See Resolutions of Convention, 114, 116.)

1. Ordinance of Convention, offering a free pardon to persons guilty of treasonable acts against the State, on their taking the oath of allegiance, ... 920, 921
2. Proceedings of Convention and pardons granted under such ordinance, 933, 935, 937, 939, 940, 945, 950, 952, 958, 963, 965, 978, 983, 984, 992, 996, 1002, 1020, 1021, 1070, 1074, 1080, 1083, 1092, 1093, 1105, 1108.
3. Resolution of Council of Safety, declaring a violation of the oath of allegiance taken under, felony, without benefit of clergy, ... 1040

ADAMS, JOHN. (See Continental Congress, 81.)

ADAMS, WILLIAM.

1. Appointment of as surgeon in Col. William Malcom's regiment of militia, ... 518

ADJUTANTS

1. Appointments of, for several regiments, ... 62, 99, 135, 139, 158

ADJUTANT-GENERAL.

1. Appointment of Horatio Gates as, with rank of brigadier-general, ... 63

(See Reid, Joseph.)

ADMIRALTY, HIGH COURT OF.

1. Appointment of Richard Morris as judge, John McKesson, register, and Robert Benson, marshal and provost-marshal of, ... 550
2. Declension of Richard Morris, and appointment of Lewis Graham as judge of, ... 554, 556
3. Commission of judge of, ... 556

ALBANY CITY AND COUNTY.

1 Names and credentials of Deputies from city and county of, to first Provincial Convention, ... 1, 2
2. Names and credentials of Deputies from city and county of, to first Provincial Congress, ... 7, 93
3. Letter from committee of, to Provincial Congress, respecting

PAGE.

ALBANY CITY AND COUNTY—CONTINUED.

disposition and proceedings of Col. Johnson and the Mohawk and Oneida Indians; relative to the fortifications at Ticonderoga and the south end of Lake George, and other matters respecting the public defence, ... 23, 24
4. List of documents accompanying, ... 24
5. Answer of Provincial Congress to, ... 25
6. Letter from Provincial to Continental Congress, enclosing, .. 24
7. Letter from committee of to Provincial Congress, respecting provisions and supplies for forces sent to Ticonderoga, and prisoners taken from St. Johns, and praying instructions, . 29
8. Certain powder to be sent to commissariat at, ... 30
9. Letter from Provincial Congress to committee of, respecting the raising, enlistment and pay of troops; directing said troops to join the forces at Ticonderoga; and respecting troops taken at St. Johns, ... 31
10. Return of John N. Bleecker, of provisions and stores received at, from New-York, and of the quantity sent to Lake George, ... 44, 45
11. Letter from John Bay, secretary of committee for transmitting communication from Rev. Samuel Kirkland, respecting proceedings of Col. Guy Johnson and Oneida Indians, . 49
12. Letter from committee of, communicating information of hostile proceedings of the French Caghnawaga Indians, in Canada, and of their encouragement by the Governor of Montreal; and relative to the condition of the troops at Crown-Point, ... 54, 55
13. Letter from Provincial Congress to John N. Bleecker and others, agents at, to deliver up provisions and supplies to Elisha Phelps, appointed commissary for the troops on Lake Champlain, ... 61
14. Letter from Provincial Congress to committee of, relative to supply of powder for the forts of Ticonderoga and Crown-Point, sent from Philadelphia by Continental Congress, .. 64
15. Appointment of members of committee of safety for, ... 70
16. Letters from John N. Bleecker, respecting delivery of provisions and stores to Elisha Phelps, commissary, and accounts, &c. 74, 95
17. Letter from Committee of Safety to chairman of committee of, accompanying transmission of gunpowder sent from Philadelphia, for use of troops at Ticonderoga, ... 82
18. Letter from Robert Yates, transmitting sundry papers relating to Indian affairs, ... 95

(See Indian Affairs, 5.)

19. Speech of four Oneida chiefs to committee at, ... 95
20. Speech of inhabitants of, drawn up by committee, spoken at the German Flatts to Oneida Indians, ... 95
21. Answer of Oneidas and Tuscaroras, ... 95
22. Letter from Abraham Yates, Jr. Esq. chairman of committee of, relative to George Sullivan, and covering copy of letter from Gen. Wooster to Col. Waterbury, relating to the same person, ... 101
23. Embarkation of 4 companies of Col. McDougall's regiment, under Lieut. Col. Ritzema, for, ... 103
24. Cols. McDougall, Clinton and Holmes, directed to proceed to, with the men under their command, ... 105
25. Examination before sub-committee of, of Gerrit Roseboom and Benjamin Davis, (alias John Johnson,) relative to Indian affairs, ... 106
26. Letter from committee of, respecting supply of provisions for prisoners taken at St. Johns, and answer of Provincial Congress, ... 112, 113
27. Resolution of committee of, and draft on Provincial Congress for £1,000, for defraying expenses and discharging debts of, and order on Treasurer for payment of draft, ... 116
28. Letters from Abraham Yates, chairman of committee of, ... 126

PAGE.

ALBANY CITY AND COUNTY—CONTINUED.

29. Letter to Abraham Yates, chairman of committee of, respecting the case of White, late sheriff of Tryon county, Boon and Clement, Conner, and Indians aiding in their escape, . 127
30. Letter from, requesting military supplies for the men under the command of Col. Van Cortlandt, encamped at, ... 137
31. Provision for gunpowder for committee of,..... 154
32. Order for repair, &c. of barracks at, for reception of Continental troops; letter covering,. 162, 166
33. Petitions and papers in the case of Alexander White, late sheriff of Tryon county, referred to committee of,..... 167
34. Letter to committee of, respecting transmission of powder for use of Gen. Schuyler, ... 169
35. Letter from Volckert P. Douw, transmitting copy of the journal and proceedings of the Indians sent by the commissioners of Indian affairs to the Caughnawagas, to acquaint them with the treaty between the commissioners and the Six Nations,..... 169
36. Letter to committee of, respecting imprisonment and kind treatment of French prisoners from Canada, ... 175
37. Letter from chairman of committee of, respecting the erection of barracks at, and draft for expenses of,..... 176
38. Requisition for repairs of, ... 176
39. Letter to committee of, requesting the transmission of powder to Gen. Schuyler, ... 178
40. Letter to Walter Livingston, deputy commissary-general at, relating to accounts of ferrymen,..... 179
41. Names and credentials of Deputies from, to second Provincial Congress, ... 205, 393
42. Letter to committee of, accompanying the transmission of powder to Gen. Schuyler, on receipt of intelligence of the repulse of the Continental troops at Quebec, and disturbances in Tryon county,..... 256
43. Re-arrangement of regiments of militia in,..... 313, 314
44. Letter from Gen. Schuyler to committee of, respecting the raising of the Canadian regiment of Col. Van Schaick, ... 316
45. Return of officers of company of minute men at Saratoga, in, 316
46. Resolutions of committee of, transmitted to Provincial Congress, recommending Thomas Williams, Jr. for quartermaster, and Peter A. Fonda for adjutant of regiment for Continental service in Albany, Tryon and Charlotte counties, ... 366
47. Letter from committee of Kings district, in, recommending Thaddeus Noble as a gunsmith, and answer of Committee of Safety, ...418, 421
48. Letter from chairman of committee of, transmitting list of officers recruiting in, and the number of men enlisted: order of Committee of Safety annexing companies to Col. Wynkoop's regiment, and answer of Committee of Safety,.. 424, 425
49. Names and credential of Deputies from, to third Provincial Congress, ... 448
50. Examination of Martin Beebe relative to designs and proceedings of tories and disaffected persons in Kings district, in,..... 455
51. Examination of Asa Douglass,..... 458
52. Committee of examination requested to communicate proceedings against sundry inhabitants of, sent prisoners to Hartford, in Connecticut,..... 507
43. Resolution of Convention for the organization, pay and subsistence of a company, to guard the stores and vessels with provisions and ammunition in,..... 539
54. Resolution of Convention for the drafting, organization, pay and subsistence of one-fifth of the militia of, and their marching to the encampment northward of Kings Bridge, 566
55. Letter from chairman of committee of, to Convention, relative to the contemplated resignation of Gen. Schuyler, ... 635
56. Information relative to conduct of sundry disaffected persons in Claverack and Livingston manor, ... 666, 671
57. Organization and officers of company in, for the detection and suppression of conspiracies,... 666
58. Letter from Committee of Safety to chairman of committee of Livingston manor, respecting the necessary measures to be adopted for the safety of inhabitants thereof,.... 672
59. Letter from Jacobus Lansing, Jr. setting forth the defenceless state of the city of, and suggesting the propriety of erecting fortifications and supplying the same with guns, ... 681
60. Requisition on Treasurer in favour of committee of, for payment of bounties and pay due company of rangers raised in, for the protection of the frontiers..... 687, 693
61. Letter from committee of, representing the prevalence of disaffection in, and requesting aid and assistance, ... 687
62. Letter from Committee of Safety to committee of, respecting the purchase of flour for the use of the troops, ... 688
63. Letter from Committee of Safety to committees of arrangement and conference, &c. at,..... 692, 693
64. Letter from chairman of committee of arrangement and conference at, relative to the condition of the army at Saratoga, and the disposition of the inhabitants of the county of, &c..... 694, 695
65. Letter from John Tayler, Esq. at, enclosing a notification, signed by Mr. Matthew, town clerk, dated at New-Marlborough, requesting a meeting of the inhabitants relative to their revolting from New-York,..... 699
66. Report of committee appointed to co-operate with Gen. Schuyler in the defence of the northern and western frontier; proceedings of the committee for the apprehension and punishment of disaffected persons in,..... 699, 700 to 705

PAGE.

ALBANY CITY AND COUNTY—CONTINUED.

67. Resolution of Committee of Safety, ordering portions of militia of, to repair to Fishkill, for the purpose of aiding in the erection of barracks for the use of the troops,..... 707
68. Petition of committee and inhabitants of King's district, for the appointment of field officers from their own district; report thereon,..... 758
69. Report of committee on the petition of the committee of the manor of Rensselaerwyck, Claverack and King's district, in, praying for the removal of sundry field officers and the appointment of others in their places; proceedings thereon, 773
70. Resolution of committee of, for draft on Convention for £2,000; requisition on Treasurer in favour of,..... 799, 800
71. Letter to committee of, respecting proposed obstructions to the navigation of Hudson's river,..... 851
(See Van Alen, John.)
72. Letter from Convention to committee of, directing the apprehension and confinement of Maj. William Edmondson, a British officer on parol, ... 857
73. Resolutions of Convention relative to the engrossment and monopoly of boards in,..... 864
74. Letter from committee of, transmitting affidavits, &c. relative to a dangerous conspiracy of a number of disaffected persons in, and forwarding John Munro as a prisoner, ... 876
75. Letter from Col. Robert Van Rensselaer, transmitting information of an insurrection of the tories in Ballstown, and of the organization of a regiment of royal volunteers in the county of, under the command of Huetson; directions to the commanding officer of the militia of, to call a court martial for the trial of the criminals,..... 889
76. Letter from committee of, relative to disaffected persons in that county,..... .... 890, 891
77. Election of judges of inferior court of county of,..... 912, 917
78. Appointment of Henry I. Wendell, sheriff, and Leonard Gansevoort, clerk of said county,..... 912, 917
(See resolutions of Convention, 137.)
79. Resolution of Convention, authorizing committee of to prepare vessels in Hudson's river for reception of prisoners,. 927
80. Requisition on Treasurer for loan to committee of, ... 930
81. Letter from committee of, enclosing a list of prisoners too dangerous and troublesome to be confined in the jail at; disposition of said prisoners by Council of Safety,. 964
82. Resolutions of Council, accepting the resignation of commissioners of sequestration heretofore appointed in, and appointing others,..... 967, 968
83. Resolutions of, Council, directing committee of to send prisoners in, to Fleet prison, at Esopus, ... 988
(See Rangers, 16.)
84. Letter from chairman of committee of, relative to the destruction of a quantity of tea, purchased by James Caldwell and John Maley, inhabitants of; resolutions of Council of Safety thereon,..... 1008, 1010
85. Letter from Council to committee of, relative to the apprehensions of the settlers of Schoharie, of an attack from the Indians,..... 1011
86. Answer of committee and reply of Council, ... 1017, 1018
87. Letter from committee of, to Council, informing of the approach of the enemy to Fort Schuyler, and requesting assistance; also transmitting copies of letters from Col. Gansevoort to Col. Van Schaack, and from Thomas Spencer, at Oneida, relative to the disposition of the Indians; answer of Council, ... 1021, 1025
88. Letter from committee of, informing of the arrival of the enemy at Fort Edward, and the retreat of the Continental army to Saratoga, and requesting the presence of the Council of Safety at; answer of Council, ... 1025
89. Letter from committee of, relative to the prevalence of disaffection in, and the condition of, &c. enclosing a letter from Adam Fonda respecting a contest with the Indians at Oneida creek, together with a list of the dead and wounded,..... 1034
90. Letter from committee of, relative to the gloomy condition of affairs in, and transmitting a letter from chairman of committee at German Flatts, and the deposition of Adam Helmer, relative to a battle fought near Fort Schuyler, 1037, 1038
91. Resolution of Council of Safety for the removal of the records of, to Rochester, in Ulster county,..... 1066
92. Letter from chairman of committee of, containing an account of the capitulation of Gen. Burgoyne and his army,..... 1079
93. Letter from chairman of committee of, requesting a loan; answer of Council of Safety,..... 1073
94. Letter from Council of Safety to committee of, respecting provision for the security of the public records at; answer of committee, ... 1077, 1083
95. Letter from committee of Claverack district in, respecting seizure of the effects of disaffected persons in; confirmation by Council of Safety thereof,..... ..... 1079, 1080
96. Letter from committee of, respecting abuses in the purchase of grain, by forestalling and monopolizing, ... 1107, 1108

ALGER, WILLIAM B.

1. Appointment of, as 2d lieutenant in Capt. Jacobus Rosekrans' company,..... 112
2. Appointment of, as pay-master in Col. Cornelius Humphrey's regiment of volunteers,..... 774

PAGE.

ALLEN, CAPT. HEMAN.
1. Letter from James Duane, Esq. chairman of the superintendents of the Continental treasury, respecting settlement of accounts of, for services in the New-York battalions,.... 452

ALLEN, ETHAN.
1. Receipt of letters from, at Crown-Point,..... 43
2. Admitted to an audience, before the Provincial Congress,... 65
3. Advance of money to, on request of Gen. Schuyler, by Provincial Congress, for services rendered in the reduction of Ticonderoga, ... 66
4. Letter from, assuring of his influence to promote a reconciliation with the settlers on New-Hampshire Grants,..... 107

ALLEN, HENRY.
1. Choice of as 1st lieutenant in Capt. John Sands' company, in Qeeens county, ... 173

ALLICOCK, JOSEPH (See Intercepted Letters, 6.)
1. Examination of, relative to furnishing supplies and provisions to Capt. Melancton Lawrence, for the armed sloop under his command, and for other vessels,..... 122

ALSOP, JOHN.
1. Letter from Provincial Congress to, relative to purchase of blankets, ... 60
2. Answer from, ... 68

ALSOP, JOHN.
1. Letter from, resigning his seat as a Delegate in Congress, and acceptance by Convention of such resignation,..... 536
2. Letter from Convention to Delegates in Congress, communicating such resignation,..... 537

"AMERICAN CRISIS."
1. Copy of, transmitted by John Hobart and Jonathan Landon to Committee of Safety, and ordered to be reprinted,..... 756
2. One thousand copies of second number ordered for use of Committee of Safety, and for distribution among the inhabitants of the State, ... 804

ANONYMOUS LETTERS.
1. From Philadelphia to Provincial Congress, giving information of the probable destruction of the city of New-York, and offering to construct fire vessels for defence of,..... 200
2. To Robert G. Livingston,..... 760

APPRENTICES AND SERVANTS.
1. Letter from Gen. Wooster relative to enlistments of, in Connecticut troops, and who were afterwards reclaimed by their masters in New-York, and resolutions of Provincial Congress respecting,..... 68
2. Resolution of Continental Congress, prohibiting the enlistment of, on board the fleet or in the army of the United Colonies, without consent of their masters,..... 266

ARDEN, JAMES.
1. Petition of, for relief, ... 21

ARDEN, THOMAS, Jr. (See Ships and Vessels, 4.)

ARMORY.
1. Order for establishment of, at or near Fishkill,..... 784
2. Report of committee relative thereto,..... 807
3. Requisition on Treasurer for,..... 807

ARMS AND AMMUNITION.
1. Resolution of Provincial Congress, for defraying expenses of Henry Watkeys, a gunsmith, on a journey to New-Windsor, to consult with Mr. Robert Boyd about forging of gun barrels and making of muskets,..... 30
2. Letter from Delegates in Continental Congress, respecting supplies of, for defence of garrison at Ticonderoga, ... 39
(See Artillery, Military Stores.)
(See Colonial Troops, 7.)
(See New-York City, 20, Cannon, Ticonderoga and Crown-Point.)
3. List of cannon and stores taken from Ticonderoga,..... 22, 23
4. Letter from Delegates in Continental Congress, respecting provisions for, ... 98
5. Resolution directing the several committees and sub-committees to purchase or hire, for use of Continental army,.... 103
6. Pouches, belts, bayonets and slings, directed to be made for colonial regiments, ... 105
7. Contract with Joseph Hallett, Jr. for importation of,..... 129
8. Appointment of committee to employ and despatch vessels for purchase of, and appropriation for,..... 145, 148, 212
(See Resolutions of Provincial Congress, 58.)
(See Continental Congress, 85.)
(See Cannon, Artillery.)
9. Report of committee and proceedings thereon,..... 232, 278, 279
10. Resolutions of Provincial Congress, for the encouragement of manufactories for, ... 365, 366
11. Resolutions of Provincial Congress for supply of arms to the troops, ... 426
12. Resolutions of Provincial Congress for purchase of arms, from discharged privates of the Continental brigade,..... 498
13. Resolution for establishment of an armory, at or near Fishkill, and for the purchase of arms and accoutrements,. 784, 785

ARNOLD, BENEDICT.
1. Letter from, to Governor of Connecticut respecting defence of Ticonderoga and Crown-Point,..... 17
2. Letter from, to President of Provincial Congress of Massachusetts Bay, on the same subject,..... 22, 23
3. Capture of detachment of, at Quebec, ... 286, 287
4. Letter from, to General Schuyler, giving a particular account

PAGE.

ARNOLD BENEDICT—Continued.
of the action on Lake Champlain, between the British and American fleet,..... 680, 681
5. Letter from, to General Gates, informing of his march to German Flatts, and of the raising of the seige of Fort Schuyler,..... 1049

ARRANGEMENT OF TROOPS.
1. Proceedings of Provincial Congress respecting, 55, 56, 57, 59, 62, 69, 84, 97, 103, 104, 109, 114 to 116
(See Battalions, Militia.)
2. Militia bill, ... 114 to 116

ARTICLES OF CONFEDERATION.
1. Ratification by the Legislature of Virginia,..... 1116

ARTIFICERS.
1. List of, directed by Provincial Congress to be forwarded to Ticonderoga, ... 32
2. Appointment of committee to procure from Great Britain, for making gun locks,..... 67
3. Agreement with Thomas Blockley, for importation of,..... 80
4. Letter from General Lee to Provincial Congress, and recommending the establishment of a company of, proceedings of Provincial Congress therein,..... 298, 302
5. Appointment of Anthony Post as captain of company of,.... 302
6. Provision for barrack furniture for, ... 377

ARTILLERY. (See Cannon.)
1. Proceedings respecting removal of, from Ticonderoga to South end of Lake George,..... 9, 10, 11, 12
(See Lamb, John.)
(See Schuyler, Philip, 24.)
(See Byers, James.)
2. Appropriation to defray expense of removal of, from New-York to King's Bridge, ... 145
(See New-York City and County, 139, 141.)

ARTILLERY COMPANIES.
1. Organization of Captain Anthony Rutger's company, from Marine Society of city of New-York,..... 41
2. Officers of, confirmed by Provincial Congress,..... 66
3. Pay of, and company ordered to form part of Colonel McDougall's regiment, ... 114
4. Appointment of Anthony Griffith as commissary to purchase shares for,..... 195
5. Resolutions of Provincial Congress for the organization of, for defence of Colony, ... 239
6. Resolution of Provincial Congress for organization of, for the safety and defence of Suffolk county, and for protection of Continental cruisers in the Sound, and to be considered in all respects as minute men,..... 239
7. Appointment of John Grennell, as captain of, and of officers of said company, ... 262, 365
8. List of officers of, in Suffolk county,..... 284
9. Appointment of James Moore, as captain lieutenant of artillery, ... 327
10 Appointment of Sebastian Beauman as captain of Continental company of, ... 392

ASH, THOMAS. (See Intercepted Letter, 4.)

ASIA, SHIP.
1. Provisions and supplies granted for use of, ... 15, 48
2. Proceedings of Committee of Safety in the case of Peter Herring, charged with assisting in conveying prisoner on board of, ... 71
3. Complaint of captain of, relative to the detention of part of boat's crew of, as prisoners in General Wooster's camp; appointment of committee and letter to Gen. Wooster,..... 77
4. Order of Committee of Safety on receiving information of the attack upon and destruction of such boat,..... 77, 78
5. Approbation of conduct of civil magistrates in ordering the building of a new boat to replace the same..... 81
6. Information communicated to Provincial Congress of destruction of boat built by order of Committee of Safety, and proceedings and resolutions therein,.....97, 98, 102, 103, 104, 108, 109, 110
7. Letter from George Vandeput, captain of, relative to attack by, on certain individuals engaged in taking the guns from the battery, and appointment of committee thereon,..... 118
8. Affidavits relative to such attack, ... 120
9. Preamble and resolutions of Provincial Congress respecting, 126
10. Arrangements for weekly supplies of provision for,... 129
11. Permission to Dr. McClean to supply, with drugs and medicines, ... 138
12. Captain of, required to discharge William Becker, a citizen of New-York, confined in irons on board of, ... 143
13. Order of Committee of Safety for arrest of Lawrence Hartwick, on charge of betraying the trust reposed in him by Lieut. Edward Tylee, an officer of the Continental army, a prisoner on board of,..... 241
14. Negotiations with Captain Vandeput of, for the exchange of Lieut. Tylee, ... 258
15. Permission for interment of body of purser of, in Trinity church yard,..... 264
16. Permission to Wm. Allen, cordwainer, to make shoes to be carried on board of, ... 281
17. Correspondence between Committee of Safety, and committee of the city of New-York, respecting supply of provisions for, &c. 285

PAGE.

ASIA, SHIP—CONTINUED.
18. Permission to Henry White, to supply with provisions, &c .. 303
19. Permission to John Carpenter, to obtain security for a debt due to him, ... 309, 310
20. Permission to Samuel Lowdon, to recover a servant, ... 319
21. Examination of John Vorhis, respecting proceedings of captain of, in intercepting cargo of provisions, &c..... ... 323
22. Letter from Committee of Safety to Gen. Washington, requesting the exchange of prisoners on board of,..... 409
23. Examination of Edward Tylee, a prisoner on board of,..... 410

ASSEMBLY.
1. Proceedings of Convention in framing a constitution relative to,..... .... 884, 885, 886, 887

ASSESSORS.
(See County Committees, 4.)
(See Town Committees, 4.)

ASSESSORS.
1. Resolution directing the election of, in the several towns, ... 818

ATTAINDER.
1. Proceedings of Convention in framing a constitution relative to acts of,. 882

ATTORNEY-GENERAL.
1. Election of Egbert Benson as, ... 910

AUDITOR-GENERAL.
(See Sands, Comfort.)
(See Gibson, John.)

B.

BACHE, THEOPHALACT.
1. Intercepted letter from, to Major Moncreif, at Boston; ordered to appear before Committee of Safety, ... 141, 142

BAILEY, JOHN, JR.
1. Appointment of, as lieutenant-colonel of regiment of minute men in Dutchess county, ... 135
2. Appointment of, as lieutenant-colonel of regiment of levies detached from Albany, Ulster, Dutchess and Orange counties, for the reinforcement of the forts at the Highlands,.. 614

BAKER, BENJAMIN.
1. Letters from, respecting the making of saltpetre, and committee appointed to confer with; proceedings of Provincial Congress therein,.....167, 196

BALDWIN, CAPTAIN ALEXANDER.
(See Rangers, 8.)
Requisition on treasurer, in favor of, for pay and subsistence for company of rangers, ... 826

BALTIMORE. (See Maryland.)

BAMPER, JACOB.
1. Petition of, for appointment to some office in Colonial regiments, ... 87

BANCKER, GIRARD, (Barrack Master.)
1. Directed to deliver beds, blankets, &c. in his custody to Colonel McDougall,..... 67, 68
2. Appointment of, as deputy treasurer, ... 246
3. Appointment of, as vice-treasurer,..... 774
4. Directed to advance £20,000 to General Schuyler for the public service, ... 775
5. Receipt from Comfort Sands, by, of pay rolls and other accounts of moneys paid by him to the militia of the counties of Dutchess and Westchester,..... 902

BARCLAY, THOMAS
1. Resolution of Committee of Safety for disposition of personal estate of,..... 721

BARD, DR. SAMUEL.
1. Communication from, to Committee of Safety respecting attendance of, upon sick mariners belonging to British ships, and resolutions of committee approving thereof,..... 77

BARKER, WILLIAM.
1. Appointment of, as major of second regiment of militia in Dutchess county, ... 528

BARRACK MASTER. (See Roorback, Garret.)

BARTILL, PHILIP.
1. Resignation of, as ensign in Colonel Robert Van Rensselaer's eighth regiment of militia,.... 772

BARTOW, THEODORUS.
1. Appointment of, as commissary to troops in Westchester county, on the Sound; and requisition on the treasurer in favor of, ... 598

BATTALIONS, ARRANGEMENT OF.
1. New-York regiment, to be first regiment, officers of,..... 62
2. Col. Roseboom's second regiment; officers of, ... 62
3. Col. Clinton's third regiment; officers of..... 62
4. Col. Holmes' fourth regiment; officers of, ... 62
(See New-York Battalions.)

BATTEAUX.
1. Directed to be furnished for lakes, &c..... 27, 250

BATTERIES.
1. Resolutions of the Continental Congress, respecting the erection of, at the Highlands on each side of the Hudson river, for the obstruction of the navigation, ... 16
2. Appointment of Committee of Provincial Congress, to examine and report thereon, ... 20
3. Report thereon, ... 38, 40
4. Resolution of Continental Congress respecting employment of troops for erection of,..... 47

BATTERY. (See New-York city, 43, 44.)

BAYARD, COLONEL WILLIAM.
1. Letter from, complaining that his house is surrounded by armed men of the levies; appointment of committee to inquire into, and if necessary, to discharge such troops,.... 117

BAYARD, SAMUEL, JR. (See Records, 1, 3, 4, 6, 7.)

BAYLEY, JACOB. (See Gloucester County, 1, 2, 11.)
1. Appointment of, as brigade general of the militia of the counties of Gloucester and Cumberland, ... 551, 552
2. Report of committee, and resolution for payment of company of,..... ... . 837, 841
(See Rangers, 14.)

BAYLIES JOHN. (See Suffolk County, 14.)

BEACONS.
1. Recommendation for erection of,..... 177

BEAUMAN, SEBASTIAN.
1. Appointed captain of Continental company of artillery,.... 392

BECKER, WILLIAM. (See Asia, Ship, 12.)
(See New-York City, &c. 56.)

BELKNAP, ISAAC.
1. Appointment of, as quarter-master, Ulster county militia,... 135
2. Resolution of Provincial Congress, recommending to first suitable vacancy in the militia or minute men, in the southern part of the county of Ulster, in consequence of omission through mistake to insert name of, in commission as quarter-master, ... 223
3. Chairman of committee of Ulster county, directed to pay bounty of company of rangers commanded by, ... 698
4. Requisition on treasurer in favor of, for pay of company of rangers, ... 728, 790, 870
5. Report of, relative to escape of Captain Phineas Ford,.. 764, 765
6. Company of rangers of, placed under command of Brigadier-General George Clinton,..... 813
7. Order for disbandment of company of, ... 949

BELL, ALEXANDER.
1. Baggage and papers of, directed to be searched, ... 129
2. Delivered to committee of New-York city, ... 129, 138
3. Directed to appear before Committee of Safety; reprimanded and discharged,..... 153

BELLINGER, COL. PETER.
1. Place of rendezvous of regiment of, in Tryon county; and list of officers of,..... 378

BELLOWS, JONAS.
1. Appointment of, as second lieutenant, in Cornwall precinct, in place of Stephen Howell, declined, ... 76

BEMUS, DAVID. (See Ships and Vessels, 4.)

BENEDICT, CAPTAIN ELISHA.
1. Letter from, respecting appointment of lieutenants; and answer of Committee of Safety,..... 84

BENEDICT, JOSEPH.
1. Appointment of, as captain, in place of Samuel Cannon, ... 91

BENNINGTON, BATTLE OF.
(See Vermont, 5, 6.)
(See Clinton, George, 48.)
(See Continental Congress, 248.)

BENSON, EGBERT. (See Dutchess County, 6.)
1. Appointment of, as Attorney-General, ... 910

BENSON, ROBERT.
1. Requisition on Treasurer for payment of, for services as Secretary of Provincial Congress,..... 441
2. Elected Secretary of Provincial Congress,..... 205, 448, 515
3. Appointment of, as marshal, and provost marshal of the high court of admiralty, ... 550
4. Appointment of, as commissary for prisoners of war,..... 581

BENSON, SAMPSON.
1. Chosen captain for beat No. 29,..... 150

BERMUDA.
1. Resolutions of Continental Congress, respecting exportation of American produce to island of, ...218, 219

BERRIEN, JOHN.
1. Appointment of, as commissary for agents, for building fortifications at the Highlands, ... 130
(See Highlands, 6, 20, 31, 44.)

BETHUNE, GEORGE.
1. Arrest of, together with the letters and papers directed, on suspicion of traitorous correspondence with British troops, 142, 143
2. Examination of letters and papers of, ... 144
3. Letter to Delegates in Congress, for the Colony of Massachusetts Bay, respecting,..... 144, 145

PAGE.

BETHUNE, GEORGE—CONTINUED.
4. Resolution of Provincial Congress, declaring the evidence before Committee of Safety insufficient to warrant arrest of, 176

BEVIER, DAVID.
1. Appointment of, as adjutant Ulster county militia,..... 135

BEVIER, PHILIP DUBOIS.
1. Appointment of, as first lieutenant in Captain Robert Johnson's company, in place of Martinus Goetchius, declined, 110

BICKER, VICTOR, JR.
1. Nomination of, as lieutenant of marines for Continental ship Congress; and direction to enlist thirty marines for the purpose of guarding ships Congress and Montgomer...y, 734

BILLETING MONEY.
1. Letter from Committee of Safety, to Delegation in Continental Congress, respecting payment of, to troops at the Highlands, and to officers of New-York battalions, ... 245, 246

BILLINGS, CAPTAIN ANDREW.
1. Letter from, informing of the enlistment of seventy-two men, 75
2. Ordered to join Colonel Clinton's regiment,..... 75
3. Muster roll of, returned and filed, ... 112
4. Letter from Colonel Jacobus Swartwout to Provincial Congress, respecting admission, of temporarily into his regiment; and direction of Provincial Congress to,..... 308
5. Requisition on Treasurer in favor of, for payment of his men, ... 392
6. Appointment of, as captain in Colonel Ritzema's regiment,.. 405
7. Appointment of subaltern officers of, ... 417
8. Letter from Committee of Safety to, respecting disposition of arms found in out ward of the city of New-York,..... 417

BILL OF RIGHTS. (See Government, 3.)
1. Proceedings of Convention in settling, ... 869

BILLS OF CREDIT.
1. Resolutions of Provincial Congress for the emission of, to the amount of £45,000, or $112,500, to defray public expences; provisions for issuing, and for redemption; and quotas of the several counties, ... 128, 133, 134
(See Continental Currency.)
(See Colonial Paper Currency.)
(See Counterfeiting.)
2. Resolution of Convention for the emission of, form of, .. 540, 571
3. Report of Isaac Roosevelt, Esq. to whom was committed the care and management of getting plates engraved for,..... 560
4. Resolutions of Convention respecting, ... 560
5. Receipt of Treasurer therefor,..... 560
6. Resolution of Convention pledging the credit of the State for the redemption of,..... 571
7. Resolution of Convention imposing the punishment of death for counterfeiting, ... 571, 572
8. Resolution of Committee of Safety pending, for the apprehension and confinement of persons charged with altering or counterfeiting,..... 734
9. Resolutions of Continental Congress, for preventing the depreciation of; and recommending the enactment of laws for punishing all persons refusing to receive the same at their nominal value, for making them a legal tender in payment of debts, for providing a sinking fund for their redemption; and directing their receipt by commissioners of the loan office,..... 789, 790
10. Appointment of committee to report an ordinance to prevent the depreciation of, &c.,..... 795
11. Resolutions of Committee of Safety, declaring payment in, to be a legal tender, and authorizing payment to be made into the treasury, on refusal of creditors to receive, ... 819
12. Letter from John Sloss Hobart, transmitting amount of, issued and in circulation in New-York, and the several New-England States, ... 1029, 1030

BIRDSALL, COLONEL BENJAMIN.
1. Directed to take command of company of troops raised by draft from the militia on Nassau island,..... 534
2. Resolution of Convention recommending permission to, for the removal of his wife and family from Long Island,.... 873

BLACKSMITHS.
(See New-York, 28.)
(See Gun Barrels, 2.)

BLACKWELL, COLONEL JACOB.
1. Letter from Provincial Congress, to transmitting intelligence from General Wooster, relative to movement of the British troops, and directing disposition of troops of, at Newtown, &c. 126

BLAKE, JONATHAN. (See Ustich, William.)

BLANKETS.
(See Provision and Supplies, Clothing.)
(See Alsop, John.)

BLAUTER, JACOB, JR.
1. Appointment of, as ensign in the eighth regiment of militia, whereof of Robert Van Rensselaer, Jr. is colonel, in place of Philip Bartill, resigned, ... 772

BLEECKER, JOHN, N.
(See Provisions and Stores, 8. Albany 10, 13, 16.)
1. Letters from, with accounts enclosed, ... 74, 95

PAGE.

BLEECKER LEONARD.
1. Commission to, as first lieutenant of Captain Johnson's company, in Colonel McDougall's regiment,..... 440

BLOCKLEY, THOMAS.
1. Articles of agreement with, for importation of artificers for making gun locks,..... 80, 81

BOARD OF WAR.
1. Letter from Richard Peters, Esq. Secretary of, to Council of Safety, transmitting resolutions of Congress, relative to the rank of officers of the army, and requesting lists of such officers appointed by the State, ... 983, 984
2. Letter from Richard Peters, Esq. requesting an account of moneys expended on prisoners of war,..... 983

BOSTON. (See Massachusetts Bay.)

BOSTWICK, ANDREW.
1. Petition of, for release from confinement as an insolvent debtor, and resolution of Convention thereon,..... 688

BOUNDARIES OF THE STATE.
1. Appointment of committee to ascertain and report,..... 819

BOUNTY.
1. Resolution of Provincial Congress, offering a bounty for the manufacture of gunpowder, ... 36
2. Resolution of Provincial Congress, offering a bounty of ten shillings to each soldier for enlistment in the Colonial troops,..... 67
3. Resolution of Provincial Congress, offering a bounty of one dollar to officers, for each enlistment,..... 96
4. Resolutions of Continental Congress, respecting the raising of, for troops enlisted for the defence of Canada, ... 265
5. Resolution of Convention, relative to troops ordered out for public service, from the militia of the counties of Westchester, Dutchess, Orange and Ulster, ... 525, 532
(See Rangers, 2.)
6. Resolution of Continental Congress, providing for the payment of, to officers and privates enlisting during the war, 653, 654
(See Bounty Lands.)
(See Gansevoort, Peter, 1.)
(See Van Cortlandt, Philip.)
7. Vote of Convention, refusing hereafer to,..... 864

BOUNTY, LANDS.
1. Resolutions of Congress, making provision for granting to officers and privates serving during the war, ... 653, 654

BOWER, LIEUTENANT JACOB.
1. Requisition on treasurer in favor of, for pay and subsistence for company of, raised in the county of Albany,..... 780

BOYD, ROBERT.
(See Gun Barrels, 1.)
(See Resolutions of Provincial Congress, 14.)
1. Letter from, respecting making of muskets,..... 39
2. Agreement of Provincial Congress with,..... 41, 62
3. Letter from Provincial Congress to, respecting, ... 45
4. Proposals of, to Provincial Congress, and appointment of committee to contract with,..... 51
5. Report of, and proceedings thereon,..... 55
6. Agreement with, ... 62, 63
7. Letter from, respecting sending of gun barrels, ... 156
8. Letter to, from Provincial Congress, respecting completion of contract with, &c..... 294
9. Letter from, respecting continuance of his contract,..... 294, 328

BRADT, JOHN A.
1. Requisition on treasurer in favor of, for pay and subsistence for company of rangers of, in Albany county,..... 766, 879
2. Petition of, for commissions to himself and his subalterns, and for necessary clothing for his company, &c. 767

BRANT, JOSEPH.
1. Letter from chairman of committee of Dutchess county, informing of apprehension, &c. of,..... 202
2. Resolution of Committee of Safety for apprehension of; and recommending John Harper of Tryon county, to General Schuyler, as a proper person to be entrusted with this duty,..... 800
3. Information of arrival of, with a number of Indians, at Onehoghquaga and Unadilla, ... 968
4. Interview between, and General Herkimer, at Unadilla,.. 996,997

BRIGADE-MAJOR.
1. Resolution of Continental Congress, recommending nomination of person by Provincial Congress for appointment as, &c..... ..... 84, 89
2. Letter from Delegates in Continental Congress, recommending appointment of Morgan Lewis, as, ... 90
(See Deputy Adjutant-General.)
(See Duer, William, 5.)
(See Morris, Lewis Jr.)
(See Fish, Nicholas.)
(See Stevens, Simon.)

BRIGADIER-GENERALS.
(See Montgomery, Richard.)
(See Bayley, Jacob.)
1. Appointment of, by Continental Congress,..... 63
viz:
1st. Seth Pomeroy,

PAGE.

BRIGADIER GENERALS—CONTINUED.
2nd. Richard Montgomery,
3rd. David Wooster,
4th. William Heath,
5th. Joseph Spencer,
6th. John Thomas,
7th. John Sullivan,
8th. Nathaniel Greene,
Horatio Gates, Adj. Gen. with rank of Brigadier, 226
9th. George Clinton.
2. Determination of respective rank of, ... 229, 230
3. Resolution of Continental Congress, for the appointment of two Provincial brigadier-generals for the Canadian army, one from Massachusetts Bay and one from Connecticut; four for the army at New-York, one from Massachusetts Bay, one from Connecticut, one from New-York, and one from New-Jersey; and three for the flying camp in the middle States, two from Pennsylvania, and one from Maryland, ... 482
(See Morris, Lewis.)
(See Scott, John Morin.)
4. Resolutions of Convention calling upon, for a return of the state of their respective brigades, &c. 550

BRITISH ARMY. (See Great Britain.)

BRITISH SHIPS. (See Asia, ship.)
1. Resolution of Committee of Safety, approving of the conduct of Dr. Samuel Bard, in attending upon sick mariners on board of, ... 77

BROGDEN, JOHN.
1. Appointment of, as adjutant of first regiment, ... 62

BROOME, JOHN.
1. Vote of thanks to, for loan for public service, without interest, ... 134

BROOME, SAMUEL.
1. Letter from, informing of withdrawal of company of from Col. Lasher's battalion, and his readiness to join any other, .. 105

BRUNSWICK. (See New-Jersey, 7.)

BRUYN, JACOBUS.
1. Appointment of, as captain, ... 99
2. Appointment of, as quarter-master, Ulster county militia, ... 135

BRUYN, SEVERYN T.
1. Letter from, to Provincial Congress, declining appointment of Adjutant in Col. Thomas Palmer's regiment, with the reasons therefor, ... 295

BRYSON, ROBERT.
1. Application of, to Samuel Verplanck, for sundry articles of provisions, ... 123

BUCHANNAN, WALTER & CO.
(See Ships and Vessels, 3.)

BURGOYNE, LIEUT. GEN. JOHN.
1. Letters from Committee of Safety, to Delegates in Continental Congress and Gen Schuyler, respecting movements of, 79
2. Copy of proclamation of, against the revolted Provinces of America, ... 1005, 1006
3. Proclamation of Gen. Schuyler, in answer thereto, ... 1006
4. Letters from committee appointed to confer with Gen. Schuyler, and from Gen. Schuyler respecting proceedings of, ... 1017
5. Information given by Francis Horsman, a prisoner of the 53rd regiment, relative to the strength of troops of, &c... 1021
6. Arrives at Fort Edward; retreat of Continental army to Saratoga, ... 1025
7. Raises the seige of Fort Schuyler, ... 1048
8. Capitulation of, ... 1070
9. Letter from Council of Safety to Continental Congress, respecting the convention with, ... 1075, 1076

BURR, THADDEUS, (sheriff of Fairfield county.)
(See Connecticut, 21.)
(See McDonald, Angus, 7.)

BUSSING, ABRAHAM.
1. Chosen ensign of beat No. 29, ... 150

BYERS, JAMES.
1. Proposals of, for manufacture of brass fieldpieces; contract with; committee appointed to superintend casting and proving of, and requisition in favour of, ... 145, 148, 152, 153, 175

C.

CAMPBELL GEORGE. (See New-York City, 21.)

CANADA.
1. Resolution of Provincial Congress, and instructions to agents, &c. disapproving of incursions into, and directing the withholding of any succors or supports for such an expedition, ... 11, 12, 13
2. Appointment of committee to draft letter to Canadians accordingly, ... 13
3. Address to inhabitants of, ... 26
4. Resolution of Continental Congress, discountenancing expeditions or incursions into, ... 30
5. Letter from Provincial Congress to merchants of, respecting the establishment of a mail route between New-York and Canada, and the general views of the confederated Colonies, ... 40

PAGE.

CANADA—CONTINUED.
6. Letter from Joseph Warren, President of Provincial Congress of Massachusetts Bay, respecting disposition of inhabitants of, ... 54
7. Letter from Gov. Trumbull, recommending James Dean, a young man lately returned from a mission among the tribes of Indians in, ... 73, 74
8. Letter from Jacob Bayley, of Gloucester county, respecting dispositions of French and Indians in; and answer of Committee of Safety, ... 82, 83
9. Letter from Gen. Schuyler respecting disposition of Indians in, and attempts to induce them to enlist with the British, 96, 111, 112
10. Letter from Gen. Schuyler, respecting military operations against, and dispositions of inhabitants, ... 167, 168
(See Prisoners, 17.)
11. Letter from Gen. Schuyler, containing information of the surrender of Chamblee, and the probable reduction of St. Johns, ... 192
12. Letter from Gen. Schuyler, informing of the surrender of St. Johns, ... 200
13. Letter from Gen. Schuyler, informing of the surrender of Montreal, ... 201
14. Resolutions of Continental Congress relative to raising troops for defence of arrangement of, ... 250
15. Repulse of Continental troops at Quebec, ... 256
16. Resolutions of Continental Congress for raising an army for defence of, ... 265, 266
17. Attack on Quebec; death of Gen. Montgomery, and capture of Col. Arnold's detachment, ... 286, 287
18. Information relative to condition of, communicated to Committee of Safety by Col. Ritzema, ... 291
19. Information relative to the arrangement of troops in, communicated by Col. Ritzema, to Provincial Congress, ... 326
20. Letter from Gen. Schuyler to General Lee, relative to condition of troops in, &c. 347, 348
21. Report of Committee on application of the wives of soldiers in, for advances of pay; and requisition on Treasurer for such advances, ... 348, 351
22. Resolutions of Continental Congress for the employment of 6,000 militia, and a number of Indians, for the reinforcement of the army in; respective apportionments of Massachusetts, New-York, Connecticut and New-Hampshire, ... 482

CANADIANS.
(See Connecticut 2. Quebec, Canada.)
(See Montreal. Schuyler, Philip, 24.)

CANDELL, JOHN.
1. Petition of; ordered to be brought to the bar of the House for examination, &c. 127
2. Examination of witnesses against, and committment, ... 129
3. Petition of John McKenney for enlargement of; and order of discharge, ... 135

CAUGHNAWAGA INDIANS.
1. Letter from Albany committee respecting belligerent proceedings of, at Montreal, ... 54
2. History of embassy to, and conference of Stockbridge Indians with, transmitted to Provincial Congress by Robert Yates of Albany, ... 95
3. History of conference with, by delegation of four warriors sent by commissioners of Indian affairs from the Six Nations, transmitted by Volckert P. Douw, of Albany, ... 169, 170

CANNON. (See Artillery.)
1. Letter from Nicholas Low, transmitting a pair of nine pound cannon, presented by Isaac Gouverneur, of Curacoa; and letter from Provincial Congress, accepting the same, 186
2. Directed to be marked and sent to the fort at the Highlands, 186
3. Col. McDougall directed to procure of Capt. Anthony Rutgers, and forwarded to Gen. Washington, ... 240
4. Letter from Committee of Safety to Robert Livingston, respecting the casting of, &c. 268
(See King's Bridge.)
5. Report of committee and proceedings of Provincial Congress, relative to expense, &c. of guarding, at Valentine's, ... 342
(See City and County of New-York, 139.)
6. Appointment of committee to devise ways and means for obtaining, &c. 796
7. Appointment of commissioners, ... 813

CAPTAIN-GENERAL. (See Washington, George.)

CAPTAINS. (See Livingston, Henry B.)

Hardenburgh, Cornelius,	Stewart, James,
Horton, Jonathan,	Deane, Gilbert,
Child, Increase,	Storm, Thomas,
Pearse, Nathan,	Van Gaasbeck, Petrus,
Hyatt, Ezekiel,	Scribner, Nathaniel,
Hunt, Jesse,	De Witt, Jacob Rutzen,
O'Hara, Henry,	Clark, William,
Allen, Heman,	Ludlum, William,
Schoonmaker, Petrus,	White, George,
Durlin, John,	Houston, John,
Smith, Melancton,	Dellivan, Samuel,
Townsend, Micah,	Baldwin, Alexander,
Dutcher, William,	Waldron, Adolph,
Le Dieu, Abraham,	Bradt, John A.
Dan, David,	Woodhull, Ebenezer,

PAGE.

CAPTAINS—CONTINUED.

Salisbury, Sylvester,
Pulver, Hendrick,
Ten Broeck, Leonard,
Schoonmaker, Hendrick,
Conkey, Joshua,
Platt, Nathaniel
Fansher, William,
Waite, Benjamin,
Sacket, Samuel,
Payne, Samuel,
Billings, Andrew,
Lyon, David,
Grennel, John,
Ledyard, Benj.
Lamb, John,
Nicholson, John,
Benedict, Elisha,
Herrick, Rufus,
Griffing, Daniel,
Horton, Ambrose,
Benedict, Joseph,
Johnston, Robert,
Lent, Peter,
Bruyn, Jacobus,
Denton, Daniel,
Hasbrouck, Elias,
Rosekrans, Jacobus,
Yates, Christopher P.
Broome, Samuel,
Wynkoop, Jacobus,
Hulbert, John,
Dubois, Lewis,
Tryon County, 12,
Benson, Sampson,
Smith, Philius,
Queens County, 13,
Thorne, Stephen,
Sands, John,
Hutchins, Amos,
Jackson, William,
Riker, Abraham,
Davis, John,
Strong, Selah,
Marvin, Seth,
Moss, Isaac,
Demoth, Marcus,
Roos, Jacobus,
Rangers,
Schoonmaker, Frederick,

CARMAN, JOSHUA JR.
1. Appointment of, as adjutant of regiment of minute men, in Dutchess county, ... 135

CARPENTER, JOHN.
1. Requisition on Treasurer, in favour of, for erection of powder mill in Orange county, ... 531

CARPENTER, JOHN. (See Wisner, Henry.)

CARTER, JOHN.
1. Information given by, to Provincial Congress, relating to proceedings at Boston, ... 111

CASTLE, CAPT. ROBERT. (See Ships and Vessels, 104.)

CHANCELLOR.
1. Election of Robert R. Livingston, as, ... 910

CHAPLAINS. (See Clergy.)
1. Appointment of Rev. John Peter Testard, as chaplain to Colonial troops, ... 67
2. Appointment of Israel Evans as, for 1st regiment, ... 99
3. do do for 1st and 3d regiments, ... 492
4. Appointment of Rev. Mr. Lewis, to open proceedings of Convention with prayer, ... 519
5. Requisition on Treasurer in favour of, ... 545
6. Appointment of, to preach before Convention on fast day, recommended by, ... 554
7. Appointment of Rev. Joseph Treat, as chaplain to Cols. Lasher's and Malcom's battalions, in Brigadier-General Scott's brigade; and of Rev. John Elliot to Col. Saml. Drake's and Col. Humphrey's regiments, ... 590
8. Appointment of Rev. Samuel Provost, as chaplain to Convention; declension of, ... 810, 818
9. Appointment of Rev. John Rodgers as, ... 818

CHARLOTTE COUNTY.
1. Names and credentials of Deputies from, to first Provincial Congress, ... 9, 44, 81, 89
2. Letter from committee of Manchester, in, respecting proceedings of certain disaffected persons, to stop the courts of justice at Fort Edward, and answer of Committee of Safety, 72
3. List of men who went from Manchester, in, to Ticonderoga, under the command of Lieut. Joseph Lockwood, and accounts of, ... 74
4. Letter to committee of, requesting the attendance of Delegates in Provincial Congress, ... 199
5. Names and credentials of Delegates from, to second Provincial Congress, ... 297
9. Return of field officers of 1st regiment, in, ... 311
7. Return of officers for precincts of Granville and Black creek, and township of Argyle, ... 311
8. Names and credentials of Deputies from, to third Provincial Congress, ... 449, 455
9. Letter from Gen. Schuyler to Provincial Congress, respecting petition of Mr. Duer, relative to election of Deputies from, ... 432
10. Names and credentials of Deputies from, to Convention, ... 524
(See Militia, 25.)
(See Stevens, Simon.)
11. Colonels of regiments in, directed to make returns to Convention, ... 553
12. Report of committee and requisition on Treasurer, in favour of Maj. Alexander Webster, for payment of wages and subsistence of corps of rangers of, ... 728, 760
13. Letter from committee of, informing of the despatch of a company of rangers from, to Ticonderoga, ... 817
14. Letter from Committee of Safety to Continental Congress, relative to disaffections in, ... 820, 821
15. Instructions to Delegation from this State, in Congress, relative to the admission of persons claiming to represent in Congress, ... 869
16. Election of Edward Savage, as sheriff of, ... 912
(See Resolutions of Convention, 137.)

PAGE.

CHARLOTTE COUNTY—CONTINUED.

17. Appointment of judges of, ... 917
18. Letter from Col. John Williams, Maj. Alexander Webster, and Ebenezer Clark, Esq. to Council of Safety, respecting the proceedings and condition of inhabitants of, ... 977
19. Resolutions of Council of Safety thereon, ... 979
20. Appointment of commissioners in, for selling and disposing of the effects of disaffected persons, ... 1079
21. Petition of John Gibson, John Todd, and twenty other citizens of, mostly emigrants from Ireland, and who had joined Burgoyne's army, for pardon; proceedings of Council of Safety thereon, ... 1092, 1093
22. Resolutions of Convention, recommending relief to the distressed and suffering inhabitants of, ... 1103

CHIEF JUSTICE.
1. Election of John Jay, as, ... 910

CHILD, CAPT. INCREASE.
1. Authorized to raise a company for Continental service; officers of, ... 405, 435
2. Order for commissioner to, ... 498

CIVIL OFFICERS.
1. Proceedings of Convention in framing Constitution, relative to the election and appointment of, ... 873, 874, 875, 890
(See Elections.)
(See Judicial Officers.)
(See Council of Appointment.)

CLAUGHRY, JAMES.
1. Appointment of, as lieutenant-colonel in Ulster county militia, ... 135

CANTINE, JOHANNES.
1. Appointment of, as major, Ulster county militia, ... 135

CLARK, CAPT. WILLIAM.
1. Requisition on Treasurer in favour of, for payment and bounty of corps of rangers, commanded by, ... 695

CLERGY. (See Chaplains.)
1. Resolution of Provincial Congress, inviting to open proceedings of, daily, with prayer, ... 9
2. Arrangements for, ... 11
3. Exemption of, from drafts for militia, in the city of New-York, ... 496
(See Queens County, 35.)
(See Keteltas, Rev. Abraham.)

CLINTON, GEORGE.
1. Appointment of, as brigadier-general of the militia of Ulster and Orange, Dutchess and Westchester counties, ... 226, 563
2. Directed to march his forces to the fort on the north side of King's Bridge, and to take command of the troops of horse in the counties of Ulster, Orange and Westchester; letter from Convention to, ... 563, 567
3. Statement by, of the condition and strength of the troops under his command, ... 570
4. Letter from, relative to bounty due the troops, and requisition on Treasurer, in favour of, ... 602
5. Directed to apprehend and detain such portions of the militia and levies of Cols. Smith and Remsen's regiments, in Kings and Queens counties, as may have been disbanded or suffered to disperse, ... 605
6. Letter from, relative to desertions from his brigade, &c. 622
7. Letter from Committee of Safety to, respecting the obstructions to the navigation of Hudson's river, ... 624
8. Letter from Committee of Safety to, respecting the movements of the enemy's fleet, up the Hudson river, ... 669
9. Letter from, respecting proceedings of, in the obstruction of the navigation of Hudson's river, ... 731
10. Directed to co-operate with Maj. Genls. Lee and Gates, in harassing and distressing the enemy in New-Jersey, and in securing the passes at the Highlands; militia of Orange and Ulster counties, and Capts. De Witt and Hasbrouck's companies of rangers placed under command of; requisition on Treasurer in favour of, for defraying expenses of, in the discharge of his duties, ... 746
11. Letter from Committee of Safety to, informing of the despatch of Cols. Malcom and Thomas, with their regiments, to Westchester county, for the removal of the stock and grain from said county, ... 749
12. Directed to raise 1,000 men, from the counties of Dutchess, Orange, Ulster and Westchester, ... 754
13. Authorized to dismiss all the militia of the counties of Orange and Ulster, except five hundred men, ... 759
14. Letter from, relative to proceedings of, and informing of the battles at Trenton and Princeton, and the movements of General Washington, ... 665
15. Notice of motion for the appointment of, as a major-general. 798
16. Letter from, informing of the raising of 500 men in Orange and Ulster counties, ... 808
17. Report of committee relative to the disposition of articles taken by the militia of brigade of, ... 811
18. Letter from, transmitting proceedings of court martial in the cases of Samuel Knap and Samuel Divine, sentenced to suffer death, and requesting a pardon for said individuals, .. 814
19. Appointment of, and instructions to, committee, to confer with, relative to his forces for defending the passes committed to his care: report of committee, ... 813, 716, 831, 832

PAGE.

CLINTON, GEORGE—CONTINUED.

20. Requisition on Treasurer in favor of, for his attendance in Congress, ... 839, 840
21. Letter from Convention to Continental Congress recommending the appointment of, to the command of the fortresses at the Highlands, ... 840
22. Letter from Convention to, relative to the progress of the works for obstructing the navigation of the Hudson river, 841
23. Authorized to call out the militia of Dutchess, Orange, Ulster and Westchester counties for the protection of the passes of the Highlands, and to oppose the incursions of the enemy, ... 848
24. Resolutions of Continental Congress appointing, to the command of the fortresses at the Highlands, with the rank of brigadier-general, ... 860
25. Directed to provide for the security and protection of Westchester county, ... 869
26. Appointment of committee to inquire into the refusal of a portion of the militia of Dutchess to obey the orders of, and resolution of Convention authorizing, to make such disposition of the officers under his command as he shall deem conducive to the public service, ... 901
27. Letter from Convention to, respecting the disposition of prisoners sent from Fort Montgomery, ... 914
28. Letter from, requesting leave to resign his commission as brigadier-general of the militia of Ulster and Orange counties; and transmitting the proceedings and testimony against sundry persons tried at a court martial at Fort Montgomery; proceedings of Convention thereon, 921, 922, to 928, 929
29. Resolution of Convention refusing to accept resignation of, stating the grounds of such refusal, ... 929
30. Vote of thanks to, for his long and faithful services as a Delegate in Continental Congress, ... 931
31. Letter from Council of Safety to, respecting the refusal to accept his resignation, ... 940
32. Letter from, to Council, respecting the obstruction of the navigation of the Hudson river, and answer of Council, 191, 962
33. Letter from, to Council, respecting the appointment of paymaster and other officers in Col. Duboys' regiment, ... 977
34. Letter from, to Council of Safety, giving an account of his proceedings in the reinforcement of the army, and of the garrison at the Highlands, and enclosing a letter from Gen. Washington, giving information of the proceedings of the enemy, and requesting a reinforcement at Peekskill, .. 985
35. Answer of Council of Safety, ... 986
36. Election of, as Governor; and letter of Council of Safety to, informing him thereof, ... 990, 991
37. Answer of Gov. Clinton, ... 993
38. Resolutions of Council of Safety requesting, to enter upon the discharge of his duties as Governor, ... 1007
39. Letter from Gen. Washington to Council, suggesting the propriety of an extension of the powers vested in, for calling out the military of Dutchess, Orange, Ulster and Westchester counties, ... 1013
40. Answer of Council, ... 1014
41. Oath of office administered to, as governor, and proclamation of Council of Safety thereon, ... 1021
(See Governor.)
42. Letter from, to Council of Safety, expressing his readiness to re-assume the command of the militia in the northern part of this State, and informing of the transfer of Gen. Schuyler to the army under Gen. Washington; and the appointment of Gen. Gates to the command of the northern army; answer of Council, ... 1035, 1036
43. Letter from Council of Safety to, requesting the despatch of a party against Capt. Man, of Schoharie, engaged in co-operating with the enemy; answer of Governor, ... 1036, 1040
44. Letter from Council of Safety enclosing letters from the Albany and German Flatts committees, relating to the distressed situation of the northern frontiers, and accounts of the battle near Fort Schuyler, ... 1038
45. Answer of Gov. Clinton, ... 1039
46. Letter from Council of Safety to, respecting the refusal of inhabitants of the Manor of Livingston to march to Stillwater, ... 1040
47. Letter from, to Council of Safety, relative to the condition of the northern army, ... 1042
48. Letter from, to Council of Safety, relative to the battle of Bennington, the death of Gen. Herkimer, and the proceedings of Gen. Arnold and the northern army, &c. &c. 1048
49. Letter from, to Council of Safety, informing of the raising of the siege of Fort Schuyler by the enemy, and of their march to Oswego, ... 1048, 1049
50. Letter from, to Council of Safety, transmitting an account of the attack upon the troops under command of, at Doodletown, near Fort Montgomery; the destruction of the Continental ships and Fort Constitution by the Americans, and advices received as to the intention and movements of the enemy, ... 1063, 1064, 1065, 1066
51. Letter from, to Council of Safety, relative to subsequent proceedings of, ... 1067, 1069
52. Letter from, to Council of Safety, transmitting a letter from Sir Henry Clinton to Gen. Burgoyne, taken from Daniel Taylor, a spy, ... 1068
53. Letter from, to Council of Safety, respecting the disposition of Colo. Wemple's and Livingston's regiments, ... 1074
54. Letter from Council of Safety to, respecting the transportation of flour out of the State; and a contemplated expedition to the city of New-York, ... 1077
55. Letter from, to Council of Safety, recommending relief to ship carpenters employed in building the Continental frigates, ... 1082
56. Report of committee appointed to confer with, on the expediency of a Convention of the Legislature, ... 1089, 1090
57. Letter from, to Council of Safety, ... 1093
58. Letter from Council of Safety to, transmitting resolutions of, recommending the prevention of flags of truce except upon urgent occasions, ... 1101

CLINTON, JAMES.

1. Appointment of, as Col. ofthird regiment, ... 62
2. Report from, as to condition of regiment, ... 86
3. To muster his regiment, ... 96
4. Sundry articles of military stores directed to be sent to, ... 99
5. Ordered to proceed to Albany with the men under his command, ... 105
(See Van Schaack, Goose, 4.)
(See Livingston, Henry, Jr. 3.)
6. Appointment of, as colonel of Ulster county militia, ... 135
7. Letter to, covering account of expenses for apprehending and conveying to Albany 13 deserters belonging to Capt. Johnson's company in regiment of, and requesting suspension of, of their pay, ... 195
8. Return of regiment of, from Lieut. Col. James McClaghry, commanding, transmitting a scheme for raising minute men, or having one fourth of the militia always in readiness, ... 377
9. Appointment of companies to regiment of, ... 424
10. Letter from, transmitting a return of articles wanted at the fortifications at the Highlands, and requesting a reinforcement; answer of committee, ... 616, 617
11. Warrant to, for impressing sloops for the removal of the sick to Orangetown, ... 617
12. Letter from, respecting the condition of the fortifications at the Highlands, ... 650
13. Directed to give orders for searching all boats, and securing all suspected persons passing up and down Hudson's river, 673
14. Return of officers and men in garrison at Forts Montgomery and Constitution, under the command of, ... 777

CLOPPER, CORNELIUS.

1. Report of committee and resolutions and proceedings of Convention on petition of wife and daughter of, relative to personal estate of, and removal to Poughkeepsie, ... 872, 904
2. Resolution of Council of Safety relative to claim of property in slaves, ... 942

CLOTHING OF TROOPS.

1. Directions of Provincial Congress respecting, ... 59
2. Directions of Committee of Safety, ... 75
3. Letter from Marinus Willet and other officers, to Provincial Congress, respecting, ... 89
(See Livingston, Henry B. 3.)
(See Ulster County, 6, 74.)
(See Continental Congress, 64, 166, 257.)
(See Resolutions of Provincial Congress, 92.)
(See Curtenius, Peter T.)
1. Resolutions of Convention making provision for, ... 657, 667
5. Letter from committee of Continental Congress to Convention, transmitting $10,000 for provisions for, ... 676
6. Letter to brigadier-generals relative to provisions of, ... 695
7. Letter from Abraham Livingston, relative to the forwarding of the army, ... 761
8. Letter from Francis Lewis, relative to, purchased for the troops of the State of New-York, ... 764
9. Appointment of committee for providing blankets and stockings for, ... 774
10. Resolutions of Committee of Safety, directing application to be made to every householder in the several counties therein named, for furnishing blankets and hose for, ... 780
11. Letter from Committee of Safety to Gen. Washington, relative to, detained by order of Convention, for the use of the troops in this State, ... 782, 783
12. Appointment of John Henry, as commissary, and Cornelius Cregier, assistant commissary of clothing store, ... 807
13. Inventory of goods in store for, ... 820
14. Requisition on Treasurer for, ... 820, 981
(See Privateers. 15.)
15. Directions for the disposition of a quantity of, purchased by William Hoskins, ... 870
(See Henry, John.)
16. Directions to Philip Leake, to purchase, ... 921

COCK, JOHN. (See Westchester County, 8, 11, 12.)

COFFIN, CAPTAIN GEORGE.

1. Letter from Provincial Congress, to Delegates in Continental Congress, respecting lading of provisions consigned to Messrs. Lopez and Rome, at Rhode Island, for the use of the army and navy at Boston, on board ship of, ... 38
2. Papers relating to vessel and cargo of, referred to general committee of association at New-York, ... 99

COLDEN, CADWALLADER.

1. Report, resolutions and proceedings of committee for detecting and defeating conspiracies, on the case of, ... 762, 763

PAGE.

COLDEN, CADWALLADER—CONTINUED.
2. Letter from, requesting a hearing before the House; resolution, granting such request, ... 768
3. Letter from, informing of his return to his family, and his readiness to appear when required by Convention, to answer the charges against him, ... 784
4. Permitted to repair on parol to Fishkill, for the purpose of availing himself of the benefit of the resolution of Convention for the discharge of disaffected persons, taking the oath of allegiance and fidelity, ... 829
5. Interrogations by Council of Safety to; answer of; and order for confinement as a prisoner on parol, ... 1071, 1072

COLLECTORS.
1. Resolution directing the election of, in the several towns, ... 818

COLLECTORS.
(See County Committees, 4.)
(See Town Committees, 4.)

COLONELS.
1. Appointment of, for several regiments, ...62, 135, 528, 534, 568
2. Circular from Committee of Safety to, requesting certain information relative to condition of their respective regiments, ... 81
(See Blackwell, Jacob.)
3. Return of field officers of the militia of Tryon county, ... 139
4. Directions to, by Provincial Congress, to muster their men, completely armed and equipped, at some convenient rendezvous, in case of any public alarm, ... 177
(See Hasbrouck, Jonathan,)
(See Nicoll, Isaac.)
(See Drake, Samuel.)
(See Livingston, James.)
(See Dubois, Lewis.)
5. Letter from Provincial Congress, requiring them to be in readiness to march at a moment's warning, ... 337
(See Thomas, Thomas.)
(See Van Cortlandt, Pierre.)
(See Pawling, Levi.)

COLONIAL DEBT. (See Public Debt.)

COLONIAL PAPER CURRENCY.
1. Order of Provincial Congress for emission of, ... 239, 435
2. Appointment of committee to report a plan for the emission of, &c. 316
3. Report of committee; adopted, ...326, 338, 339
4. Loan officers directed to receive in payment of loans, ... 350
5. Provision for suppressing counterfeits of, ... 414
(See Counterfeit Bills.)
(See New-York City and County.)
(See Bills of Credit.)

COLONIAL TROOPS.
1. Proceedings of Provincial Congress relative to arrangement of, ...55, 56, 57, 59, 62, 84, 97, 103, 104, 109, 114, to 116
2. Draft of warrant and instructions to officers relative to enlistments of, ... 57
3. Report of committee appointed to wait upon officers of, ... 59
4. Provision for clothing and ammunition for, ... 59, 75
5. Uniforms of; drums, ... 65
6. Appointment of chaplain to, ... 67
7. Resolution fixing pay and uniform of, and allowance for use of arms, ... 101
8. Militia bill, ... 114 to 116
(See Lamb, John, 7.)
9. Report relative to payments made to, ... 210
10. Accounts of moneys paid to, transmitted to General Schuyler, 211
11. Letter from Committee of Safety to Delegation in Continental Congress, respecting provision for reimbursement of billeting money to officers of New-York battalions, ... 245, 246
12. Resolutions of Continental Congress, providing for the raising of four battalions for defence of Colony, ... 265
13. Nominations of field officers for, ... 328
(See New-York Battalions.)

COMMANDER-IN-CHIEF.
(See Washington, George.)

COMMISSARY OF MILITARY STORES.
(See Norwood, Richard.)
(See Curtenius, Peter.)

COMMISSARY OF PROVISIONS AND STORES.
(See Curtenius, Peter.)
(See Livingston, Walter.)
1. Ordered by Provincial Congress to deliver articles purchased to Gen. Schuyler, on taking his receipt therefor, ... 59
(See Hughes, Hugh.)
(See Livingston, Abraham.)
(See Coombe, George.)
(See Paulding, William.)
(See Hay, Col. A. Hawkes.)
(See Townsend, Robert.)
(See Bartow, Theodorus.)
(See Platt, Zephaniah.)
(See Wyckoff, Henry.)
(See Schenck, Paul.)
(See Currie, David.)
(See Prisoners of War, 22.)

PAGE.

COMMISSARY OF PROVISIONS AND STORES—CONTINUED.
2. Resolution of Council of Safety, appointing a committe to investigate abuses in, ... 1092

COMMISSIONERS OF LOAN OFFICE.
(See Van Rensselaer, Henry I.)
(See Ten Broeck, Dirck.)

COMMISSIONERS OF SEQUESTRATION.
1. Resolution of Convention, appointing in the several counties, 826, 861, 907
(See Petitions, 53, 54.)
2. Instructions to, and authority to lease lands and tenements of persons joining the enemy, ... 930, 931
(See Albany City and County, 82.)
(See Westchester County, 96, 97, 98.)
(See Charlotte County, 19.)
(See Ludlow, William H.)

COMMISSIONS.
1. Draft of, for officers in militia, independent companies and minute men, ... 141

COMMISSIONERS FOR DETECTING CONSPIRACIES.
1. Appointment of, ... 803
2. Letter from, transmitting information of an attack, by Col. Willett's troops, upon the advanced post of the enemy, and of their disposition and force; answer of Convention, ... 850
3. Authorized to raise, pay and officer a company for the defence of the State, ... 872
4. Directed to transmit the names, and direct the delivery to Gen. George Clinton, of prisoners confined in the counties of Ulster, Orange and Dutchess, for trial by court martial, 889
5. Requisition on Treasurer in favour of, ... 961, 991, 1105

COMMITTEE OF CONFERENCE AND ARRANGEMENT FOR THE PROTECTION AND DEFENCE OF THE NORTHERN AND WESTERN FRONTIERS.
1. Report of, ...699 to 705

COMMITTEE OF SAFETY.
1. Appointment of members of, from the several counties, to sit during the recess of Provincial Congress, and power of, 69, 70, 135, 136, 222, 223, 232, 363, 364, 577, 614, 629, 639, 643, 648, 663, 677, 739.
2. Chairman of, Henry Williams, ... 71
3. Report of proceedings of, ... 90, 92
4. Proceedings approved, and vote of thanks, ... 93
5. Directed to purchase and distribute copies of sundry acts of Parliament, complained of as grievous to the Colonies, ... 228
6. Authorized to apply £80,000 to the defence and security of the Colony, ... 232
7. Circular by, to county committees, relative to the election of Delegates to General Assembly 236
8. Letter from, recommending the convening of Provincial Congress, ... 410
9. Ratification of facts and proceedings of, by Convention, ... 887

COMMITTEE OF SAFETY AND CORRESPONDENCE.
1. Resolution of Convention appointing, for that part of the State below the Highlands, ... 612, 613, 627
2. Directed to take from the doors of the houses in the city of New-York, the brass knockers, and forward the same to Newark, ... 613

COMMITTEE OF SECRECY.
1. Resolution of Convention, authorizing the impressment of conveyances, horses and drivers, by, and the calling out the militia when necessary; appropriation of £5,000 for, . 528

COMMODORES. (See Smith, James.)
1. Letter from Committee of Safety to Maj. Douglass, respecting services on the lakes, ... 371, 372
2. Answer of Major Douglass, ... 382
3. Letter from Provincial Congress to Continental Congress, recommending Capt. Wynkoop to command of vessels on the lakes, ... 382
(See Wynkoop, Jacobus.)

COMMON PRAYER.
1. Letter from Convention to Continental Congress, suggesting the propriety of expunging such parts of, as interfere with the interests of the American cause, ... 521

COMPANIES OF MILITIA.
1. Recommended to be formed in the several cities, manors, towns, precincts and districts, ... 104

CONFISCATED PROPERTY.
(See Clopper, Cornelius.)
(See Forfeited Estates.)
(See Commissioners of Sequestration.)
(See Ludlow, William H.)
1. Order for payment into the treasury, of the avails of seven pipes of wine, the property of Hamilton Young, of New-York, ... 902

CONGRESS.
1. Proceedings of Convention in framing Constitution, relative to the choice of Delegates in, ... 877, 878
(See Continental Congress.)
2. Election of Philip Schuyler, Philip Livingston, James Duane, William Duer and Governeur Morris, as Delegates in, .. 931

PAGE.

CONKEY, CAPT. JOSHUA.

1. Pay and subsistence roll of company of rangers, commanded by, in Charlotte county, and requisition on Treasurer in favour of, ... 822

CONNECTICUT.

1. Attendance of committee from House of Representatives of Colony of, and conference with, respecting the common welfare, ... 10, 11
2. Letter from Provincial Congress to Governor and Company of, respecting removal of artillery and stores from Ticonderoga to south end of Lake George, and respecting Canadians and Indians, ... 10, 11
3. Report of committee of conference, relative to the fortress at Ticonderoga and the Stockbridge Indians, and proceedings thereon, ... 11, 12
4. Letter from Hon. Jonathan Trumbull, Governor of the Colony of, to Provincial Congress, enclosing letter from Col. Benedict Arnold, respecting defence of Ticonderoga and Crown-Point, ... 16, 17
5. Answer of Provincial Congress, ... 17, 18
6. Letter from Hon. Jona. Trumbull, in behalf of Governor and Company of, to Provincial Congress, respecting defence of Ticonderoga and Crown-Point, ... 23
7. Answer of Provincial Congress, ... 30
8. Resolution of Continental Congress, requesting Governor of, to send reinforcements to Ticonderoga and Crown-Point, and the appointment of commissaries, ... 27, 29
9. Letter from Provincial Congress to Governor of, relative to supply of powder to Colony of Massachusetts Bay, ... 38
10. Letter from Provincial Congress to Governor of, communicating information of the movements and designs of the British, ... 45
11. Order of Provincial Congress and letter to Maj. Gen. Wooster, commanding a body of troops in the southern part of, to repair to within five miles of the city of New-York; answer of Gen. Wooster, ... 44, 47
12. Resolution of Continental Congress, directing removal of troops of, to New-York, ... 46, 47
13. Letter from Provincial Congress to Governor of, transmitting such resolution, and directions of Provincial Congress respecting powder sent for the use of the Provincial army, near Boston, ... 47
14. Answer of Gov. Trumbull, ... 52
15. Letter from Gen. Schuyler, respecting tents and fuel for encampment of troops of, near New-York, ... 60
16. Order of Provincial Congress, for supply of utensils to armorer of troops of, and that a separate account be kept, . . . 66
17. Letter from Gov. Trumbull, recommending James Dean, lately returned from a mission among the Indian tribes in Canada, ... 73, 74
18. Letter from Governor Trumbull, respecting tents, &c. for troops under Col. Hinman, and answer of Provincial Congress, ... 92, 93, 121
19. Letter from Gov. Trumbull to Gen. Schuyler, respecting provisions, &c. for troops at Ticonderoga, ... 96
20. Letter from Provincial Congress to Gov. Trumbull, requesting permission to Philip Van Rensselaer to purchase a quantity of barrelled pork, in, for use of the Continental army, ... 103
21. Letter from Thaddeus Burr, sheriff of Fairfield county, respecting imprisonment of Angus McDonald, by order of Committee of Safety of New-York, ... 158
22. Letter from Provincial Congress to Gov. Trumbull, covering extract of letter from Gen. Schuyler, requesting supply of powder, &c. 168
23. Answer of Gov. Trumbull, ... 174
24. Letter to Governor and Company of, relative to the best mode of conveying intelligence and receiving assistance, in case of invasion, ... 177
25. Answer of Gov. Trumbull, ... 201
26. Proceedings of a meeting of the Governor and Council of; letter from Gov. Trumbull and the chairman of New-Haven committee, to committee of city of New-York, requesting a loan of cannon for the defence of their town, ... 203
27. Letter from Provincial Congress to Governor of, respecting the seizure, by a body of troops from, of the types belonging to a printer in the city of New-York, and the commission of other outrages, ... 213, 214
28. Resolution communicating the thanks of Provincial Congress, to inhabitants of, aiding in the suppression of insurgents from, in Westchester county, ... 214
29. Letter from delegation from New-York, in Continental Congress, respecting inroad from, ... 243
30. Letter from Committee of Safety to committee of Stanford, in, accompanying transmission of two pieces of brass ordnance to Gen. Washington, ... 281
31. Order for supply of gunpowder to Capt. Silleck, for the use of armed tender belonging to Colony of, ordered into service by Gen. Lee, ... 310
32. Report of Joseph Hopkins, to General Assembly of, respecting the discovery of lead mines at New-Canaan, ... 318
33. Letter from Provincial Congress of New-York, to Delegates in Continental Congress, informing that no answer has been received to application to Governor and Representatives of the Colony of, relative to the inroads from, nor restitution

PAGE.

CONNECTICUT—CONTINUED.

made for the types and property taken from James Rivington, ... 346
34. Petition of Archibald Campbell, and letter from Malcom Morrison, of Pauling's precinct, in Dutchess county, complaining of forcible and lawless outrages on the property of said Campbell, by inhabitants of Colony of, ... 352, 353
35. Letter from Provincial Congress of New-York, to chairman of committee of Fairfield county, requesting the immediate discharge of Samuel Gale, ... 365
36. Letter from Jonathan Trumbull, Governor of, enclosing Mr. Hopkins' report on the lead mines at New-Canaan, and requesting loan of cannon, ... 394
37. Letter from Jonathan Sturgis, of Fairfield, to Gen. Washington, transmitting list of deserted tories, ... 453
28. Quota of militia directed by Continental Congress to be raised by, for the reinforcement of the army in Canada and at New-York, ... 482
39. Letter from Gov. Trumbull, relative to the carrying away James Rivington's types, &c. 491, 492
40. Letter from Convention to committee at Litchfield, in, accompanying the transmission of sundry prisoners to the jail of, ... 531
41. Answer of Litchfield committee, ... 541
42. Letter from Convention to Gov. Trumbull, relative to provision for the security of such prisoners, ... 543
43. Letter from the Convention to Litchfield commitee, ... 543
44. Letter from Gov. Trumbull, informing of the detention of vessels exporting provisions, in order to prevent their capture by the enemy; answer of Convention, ... 546
45. Permission to Commissary-General to export salt from New-York, to, ... 554
46. Report relative to disposition of the New-York prisoners in, 583, 584
47. Letter from Erastus Wolcott, of New-London to committee of Saybrook, transmitting information of the appearance of British armed vessels at the east end of Fisher's island, 593
48. Letter from Convention to Governor Trumbull, respecting the case of D. Mathews, a prisoner in Litchfield county jail, ... 597
49. Governor of requested to send troops for the protection of the inhabitants and security of the stock on Nassau island, 597
50. Letter to chairman of committees of several towns in, requesting their assistance in the removal of the stock from Long island, ... 598
51. Letter to Governor Trumbull on the same subject, ... 598
52. Resolution of Committee of Safety, requesting aid from the militia of Fairfield and Litchfield counties, in, ... 670
53. Letter to commanding officers of the militia of those counties respectively, ... 670
54. Resolution of Committee of Safety authorizing the removal of prisoners of war from Westchester county, to Woodbury, in, ... 683
55. Resolutions of Committee of Safety for the adjustment of accounts of inhabitants of, for services rendered in the removal of stock, &c. from Long island, ... 718
56. Letter from Committee of Safety to Governor Trumbull, informing of the respective positions of Generals Howe and Washington, and requesting the union of troops of, with those of General Lee, in the Jerseys, ... 745
57. Answer of Governor Trumbull, ... 794
58. Letter from Committee of Safety to Governor Trumbull, relative to the prohibition of importations of merchandize from, to this State, ... 772
59. Requisition on Treasurer, in favour of Christopher Leffingwell, of, for sloop hire and expenses in the removal of inhabitants and stock from Long island, ... 788
60. Letter from Governor Trumbull, relative to the embargo on importation of provisions from, ... 789
61. Appointment of committee to obtain an account of stock and effects belonging to this State, sold in, ... 789
62. Letter from Convention to Gov. Trumbull, relative to permission to prisoners belonging to this State to go at large on parol, ... 887
63. Letter from Col. Morris Graham, informing of the march of a party of British troops to Danbury, and of the destruction of the Continental stores there, ... 903
64. Letter from Governor Trumbull, demanding a return of cannon lent this State, ... 903

(See Salt, 16.)

65. Letter from Council of Safety to Governor Trumbull, requesting permission to Dr. Platt Townsend to manufacture salt in, for exportation to this State, ... 962
66. Letter from Lynde Lord, respecting accounts against prisoners confined in, &c. 965
67. Letter from Governor Trumbull, enclosing accounts of Prosper Wetmore, sheriff of the county of New-London, ... 975
68. Letter from Governor Trumbull, respecting prisoners belonging to this State, confined in, ... 976
69. Answer of Council of Safety, ... 978

(See Long Island, 12, 13.)

70. Letter from Governor Trumbull, to Council of Safety, transmitting votes of the Council of, authorizing Dr. Platt Townsend and all others, inhabitants of this State, to manufacture salt in, for the use of this State, ... 984
71. Letter from Council of Safety to Governor Trumbull, re-

PAGE.

CONNECTICUT—CONTINUED.

specting the condition of the northern army, and requesting the assistance of; answer of Governor Trumbull, 1018, 1019, 1043

72. Letter from Council of Safety respecting claim of Comfort Sands and other citizens of this State, relative to a quantity of sugar detained in, ... 1024
73. Resolution of Council of Safety for the transmission of prisoners confined on board the Fleet prison, to Hartford in, and letter to Governor Trumbull respecting, ... 1063
74. Letters from Ezekiel Williams commissary of prisoners in, relative to supplies for prisoners so transmitted, ... 1073, 1100
75. Appointment of commissioners to superintend the removal of such prisoners to this State, ... 1105, 1106

CONSPIRACIES.

(See Orange County, 14, 67.)
(See Resolutions of Convention, 43, 51.)

1. Appointment of commissioners for inquiring into, detecting and defeating, against the liberties of America, ... 803
(See Albany City and County, 74.)

CONSTITUTION, FORT. (See Highlands.)

CONTEMPT.

1. Proceedings in the case of Christopher Duychinck, brought before Provincial Congress for, &c. 326
2. Order for apprehension and imprisonment of Morris Hazard, to answer charge of, for maltreatment of President of Convention, ... 754
3. Examination of, and proceedings of Convention, ... 756
4. Proceedings against Captain Gerardus Hardenberg, for imprisoning Colonel Charles De Witt, a member of the Convention, and report of committee thereon, .. 911, 912, 942, 943, 944
5. Proceedings against Lieut. Col. Jonathan Elmendorph, ... 912
6. Proceedings against Hugh Dougherty, ... 936
7. Proceedings against Cornelius Tack, ... 951

CONTINENTAL ARMY.

1. Letter from James Duane in behalf of Delegates from New-York, in Continental Congress, transmitting information of the raising of a body of 15,000 men for the defence of the country, and of the appointment of Col. George Washington, as Captain-General and Commander-in-Chief, ... 46, 47
2. Resolution of Provincial Congress, directing the several committees and sub-committees to purchase or hire arms for use of, and deliver to the several colonels, ... 103
3. Order of Provincial Congress respecting the purchase in Connecticut of a quantity of barrelled pork for use of, ... 103
4. Resolution of Continental Congress, recommending the passage of laws prohibiting the arrest of soldiers of, for trifling debts, ... 244
5. Resolution of Continental Congress directing the raising of four additional requirements in New-York, under Continental pay, for defence of the Colony, &c. 265, 266
6. Letter from Committee of Safety to county committees respecting the establishment of men, and the appointment of officers, ... 269
7. Instructions to officers for enlistment of new battalions, ... 269
8. Letter from Delegates in Continental Congress, informing of the obtaining of a warrant on Continental Treasurer for $12,000 to aid in raising New-York battalions for Colonial defence, ... 299
9. Appointment of committee to settle the quotas of men and officers, &c. to be raised in the different counties of the Colony, for ; and report of, ... 303, 306, 309
(See New-York Battalions.)
10. Resolutions of Continental Congress for the raising in the Colonies of Massachusetts Bay, Connecticut, New-York, and New-Jersey, of 13,800 militia to reinforce the army at New-York, ... 482
(See Canada.)
11. Resolutions from Continental Congress for the establishment of a flying camp in the middle States, consisting of 10,000 men; and quotas of the several Colonies of Pennsylvania, Maryland and Delaware, ... 482
12. Quotas of militia to be raised by the several counties in the Colony of New-York, ... 483
13. Resolution of Continental Congress for the raising an additional regiment in the Colony of New-York, ... 504
14. Resolution of Continental Congress directing the provision by the several Colonies of clothing for; and its storage subject to the disposition of the Commander-in-Chief, ... 504
15. Leave Long Island for the city of New-York by order of the Commander-in-Chief, ... 602
16. Evacuation of the city of New-York by, ... 628
17. Resolution of Continental Congress for the raising of eighty-eight battalions to serve during the war; fixing the quotas of the several States; and providing for the payment of bounty and bounty lands to such officers and privates as shall continue in service during the war, ... 653, 654
18. Letter from chairman of committee, for arrangement, &c. of, on the northern frontier relative to the condition of, &c. 694, 695
(See New-York Battalions.)
19. Letter from Committee of Safety to Governor Trumbull, of Connecticut, and General Schuyler, detailing the movements and position of, ... 745, 747

PAGE.

CONTINENTAL ARMY—CONTINUED.

20. Letter from William Duer to General Gates, informing of the movements of, ... 750, 751
21. Letter from John S. Hobart and Jonathan Landon, informing of the proceedings, &c. of, ... 756
22. Resolutions of Congress investing General Washington with more ample powers for the regulation of; and increasing the number of battalions to 110, ... 764
23. Letter from General George Clinton, containing information of the battles of Trenton and Princeton, and of the proceedings of, ... 765
24. Letter from Colonel Alexander Hamilton, giving an account of the attack on, commanded by General Lincoln, at Bound Brook, &c. 885
25. Letter from Delegation in Congress respecting the proceedings and prospects of, ... 980
26. Resolutions of Congress for reinforcement of, ... 1008
27. Resolutions of Council of Safety for the reinforcement of, in the northern department, ... 1023
28. Letter from Albany committee, informing of the arrival of the enemy at Fort Edward, and the retreat of the Americans to Saratoga, ... 1025
29. Letters from president of the council of Massachusetts Bay, and chairman of Committee of Safety of New-Hampshire, informing of the number of militia sent from those States respectively, for the reinforcement of the northern army, . 1641
(See Washington, George.)
(See Clinton, George.)
(See Schuyler, Philip.)
(See Gates, Horatio.)
(See Putnam, Israel.)
(See Ticonderoga and Crown-Point.)
(See Saratoga.)
(See Trenton.)
(See Princeton.)

CONTINENTAL CONGRESS.

1. Delegates elected to by first Provincial Convention, and powers of, ... 4
2. Credentials of, ... 5
3. Resolution of Provincial Congress that implicit obedience ought to be paid to every recommendation of, for the general regulation of the associated Colonies, ... 8
4. Recommendation of, relative to artillery and stores in Ticonderoga; adopted and committee appointed thereon; report and recommendations of committee, ... 9, 10
5. Resolution of, approval of proceedings of offered, and proceedings thereon, ... 13
6. Letter from Provincial Congress to, respecting expediency of an emission of Continental paper currency, ... 14
7. Resolution of, communicated to Provincial Congress, respecting the measures necessary for the defence of the city and Province; fortifications at or near King's Bridge; batteries to obstruct the navigation of the Hudson, at the Highlands; the arming, enlistment and disciplining of the militia, and the pay thereof, &c. 16
8. Proceedings of Provincial Congress thereon, ... 20, 21
9. Letter from Provincial Congress to Delegates from Colony of New-York, in, ... 17
9. Letter from Provincial Congress to Delegates in, transmitting report of Committee on the subject of Continental paper currency, ... 20
10. Letter from Provincial Congress transmitting communication and documents from Albany committee, ... 24
11. Letter from Delegates in, to Provincial Congress, respecting paper currency, the appointment of officers, and the election of Delegates from all the counties, and especially the county of Tryon, to the Provincial Congress, ... 25
12. Resolution of, transmitted to Provincial Congress, requesting Governor of Connecticut to send a reinforcement to the garrisons at Ticonderoga and Crown Point; and for the supply of provisions and necessaries therefor, ... 27, 29
13. Resolution of, transmitted to commander of the forces at Ticonderoga, discountenancing expeditions or incursions into Canada, ... 30
14. Letters from Delegates in, to Provincial Congress, respecting general welfare, plans for raising money, Indian affairs, arming and disciplining of the militia, provisions and supplies for defence of Ticonderoga, and officers to command the army in Province of New-York, ... 30, 39
15. Answer of Provincial Congress, ... 32, 33
16. Letter from Provincial Congress to Delegates in, respecting the landing of provisions for the use of the army and navy at Boston, consigned to Messrs. Lopez and Rome in Rhode Island, on board of a vessel of Captain Coffin; answer of, ... 38, 48
17. Letter from President of, enclosing resolutions requesting Provincial Congress to convey to Massachusetts Bay five thousand barrels of flour for the use of the Continental army at Boston, ... 39
18. Answer of Provincial Congress, ... 42
19. Letter from Provincial Congress to Delegates in, transmitting report of committee relative to fortifications of the Highlands on the Hudson river, ... 40
20. Letter from Provincial Congress to Delegates in, transmitting information of the movements and designs of the British, with sundry documents, ... 42, 46

PAGE.

CONTINENTAL CONGRESS—CONTINUED.

20. Letter from James Duane, in behalf of Delegates in, transmitting resolutions of, for the removal of Connecticut troops to New-York, relative to the emission of a Continental paper currency, the raising of troops for the public defence, and the appointment of Col. George Washington as Captain-General and Commander-in-Chief,... 46, 47
21. Resolutions of, recommending to the several Colonies the collection of saltpetre and brimstone, and its transmission to Provincial Congress of New-York, to be by them sent to powder mills for its manufacture, and making provision for expense,..... 48
22. Resolution of Provincial Congress, recognizing the election of Delegates by Provincial Convention,..... 51
23. Letter from Provincial Congress to Delegates in, communicating report relative to plan of accommodation with Great Britain,..... 59
24. Letter from Provincial Congress to Continental Congress, transmitting letter from committee of intelligence at Charleston, in South Carolina, enclosing intercepted letter from General Gage, at Boston, to Governor Martin, of North Carolina,..... 61
25. Letter from Provincial Congress to, respecting the manufacture of powder, &c..... 61, 62
26. Letter from President of Provincial Congress, transmitting resolutions relative to the procurement of a list of the garrisons at Ticonderoga and Crown-Point, and the employment of the Green Mountain Boys, under their own officers,..... 63
27. Appointment by, of general officers,..... 63
28. Letter from Delegates in, to Provincial Congress, urging the immediate levy of Provincial troops, and the adoption of defensive measures, and transmitting information of, supply of powder from Philadelphia, by request of, for the use of the forts at Ticonderoga and Crown-Point, 64
29. Letter from Secretary of, to Provincial Congress, enclosing intercepted letter from Joseph Martin, Governor of North Carolina, to Henry White, Esqr..... 68
30. Answer of Provincial Congress, enclosing explanatory letter from Mr. White, and exculpating him from all blame,... 69
31. Recommendation by, of observance of a day for fasting and prayer,..... 69
32. Letter from Delegates in, respecting plan of accommodation with Great Britain; and answer of Committee of Safety,..... 73
33. Letter from Committee of Safety to Delegates in, enclosing instructions and warrants to officers for raising troops; informing of the arrangement of troops; and requesting information as to their pay,..... 76
34. Letter from same to same, enclosing copies of letters from General Schuyler, requesting money, arms and ammunition, and informing that Colonel Guy Johnson and a body of Indians are at Oswego,..... 79
35. Letter from Committee of Safety to Delegates in, respecting contemplated Congress with Five Nations of Indians,... 82
36. Resolutions of, recommending the nomination by Provincial Convention of a proper person for deputy adjutant-general or brigade-major,..... 84
37. Letter from Delegates in, to Committee of Safety, respecting establishment of the army, and provisions for money, arms and ammunition,..... 84
38. Letter from Committee of Safety to Delegates in, recommending the procuring of muskets and bayonets from New-Jersey, and the continuance of Peter T. Curtenius as commissary,..... 85
39. Letter from, to Committee of Safety, requesting a supply of gunpowder for the use of the army before Boston, and answer of Committee,..... 86
40. Letter from Delegates in, recommending appointment of Morgan Lewis, as brigade-major, or deputy adjutant-general,..... 90
41. Letter from Provincial Congress, to Delegates in, recommending appointment of Ebenezer Hazard, as postmaster at New-York,..... 90
42. Letter from Provincial Congress to, informing of appointment of William Duer as deputy adjutant-general,..... 91
43. Letter from Provincial Congress to Delegates in, relative to the sale of tea, &c..... 92
44. Letter from Provincial Congress to Delegates in, relative to the expediency of inhibiting the exportation of flaxseed, 92
45. Letter from Delegates in, respecting procuring of arms and ammunition, &c. from New-Jersey,..... 98
46. Letter from Delegates in, informing of the obtaining an order of Congress on Continental treasury for $175,000 for the use of Colony of New-York,..... 100
47. Resolution of, appropriating $175,000 to the discharge of contracted by Provincial Congress,..... 102
48. Letter to Hon. Benjamin Franklin and other members of committee of secrecy of, requesting a supply of powder, &c..... 108
49. Letters to Benjamin Franklin, communicating information received from General Washington, relative to the movements of the British troops,..... 109, 110
50. Letter from Provincial Congress to Charles Thomson, respecting blank commissions for Colonial officers,..... 110
51. Letter from Provincial Congress respecting the forwarding of certain powder ordered by, for use of Colonial troops, 122

PAGE.

CONTINENTAL CONGRESS—CONTINUED.

51. Letter from Committee of Safety to Delegates in, respecting supply of ammunition to General Washington, and requesting blank commissions,..... 143
52. Letter from Committee of Safety to Delegates in, from Massachusetts, respecting the examination and discharge of George Bethune,..... 144, 145
53. Letter from John Hancock, President of, enclosing blank commissions; and answer,..... 151
54. Letter to, enclosing copies of correspondence with General Wooster, relative to furnishing troops for defence of the fortifications at the Highlands,..... 152
55. Letter from John Hancock, President of, to Committee of Safety, directing the sending of the whole New-York troops to the aid of Gen. Schuyler, and answer of Committee of Safety,..... 154, 155
56. Letter from Delegates in, respecting blank commissions, and relative to the sale of tea,..... 155
57. Letter from Delegates in, respecting Colonial troops and their movement, number and equipments; the progress of the fortifications at the Highlands; and the quantity of powder furnished by the Colony; and answer of Provincial Congress,..... 158, 165, 166
58. Letter from Henry Wisner at, enclosing articles of agreement for regulation and government of associations in Pennsylvania; relative to saltpetre, &c..... 163
59. Letter from Provincial Congress to, enclosing information of Capt. John Hamilton,..... 166
60. Letter from Provincial Congress to, accompanying proposals of a merchant of New-York, to load 500 barrels of flour to Hispaniola, and to bring in return 5 tons gunpowder,. 166
61. Letter from Provincial Congress to, accompanying letter from Gen. Schuyler, respecting military operations in Canada,..... 168
62. Letter from Provincial Congress to, respecting condition of brig Mary, Captain Robert Wallace, from Baltimore,... 168
63. Appointment of committee to examine resolutions, and advice of, relative to Colonial affairs,..... 176
64. Letter from Delegates in, approving of the erection of fortifications at the Highlands; and also respecting supplies of clothing and ammunition,..... 171
65. Letter from John Hancock, President of, respecting supply of powder, &c. and transmitting resolutions of, relative to the erection of fortifications at the Highlands and other places, and the establishment of posts for the communication of intelligence; the obstruction of the navigation of the Hudson; recommending the arrest and imprisonment of suspected persons; also extracts of letters from London, relative to the movements and intention of British troops,..... 171, 172, 173
66. Letter from Provincial Congress to, transmitting letter of Gov. Trumbull, of Connecticut, respecting supply of necessaries for army under Gen. Schuyler,..... 174
67. Letter from Provincial Congress transmitting information of Capt. John Lawrence, relative to movements of British fleet and army,..... 174
68. Letter from Provincial Congress transmitting petition of French prisoners from Canada, for discharge from imprisonment,..... 175
69. Letter from Provincial Congress requesting directions of, relative to exportation of provisions, &c..... 175
70. Report of committee appointed by Provincial Congress to examine resolutions and advice of, relating to Colonial affairs,..... 176, 177
71. Letter from Provincial Congress to, respecting the erection and defence of fortifications on Hudson river,..... 177
72. Letter from John Hancock, President, respecting supply of powder to Gen. Schuyler,..... 178
73. Answer of Provincial Congress,..... 178
74. Letter from Delegates in, respecting delegation of power in case of absence to a less number than a quorum; and answer of Provincial Congress,..... 181
75. Letter from Provincial Congress to, requesting additional supplies of money,..... 182
76. Letter from John Hancock, President of, communicating information of an apprehended attack on New-York, and requesting the immediate removal of all the sulphur in; order of Provincial Congress thereon,..... 183
77. Resolution of, recommending the transmission of saltpetre from Turtle Bay to President of Provincial Convention to be manufactured into gunpowder,..... 184
78. Resolution of Provincial Congress for provision for expenses of Delegates in, and appointment of committee thereon; report of,..... 184, 185
79. Letters from Provincial Congress to, respecting the employment of Bernard Romans as an engineer at the fortifications at the Highlands,..... 186
80. Letter from Provincial Congress, respecting exportation of produce from the city of New-York,..... 187
81. Resolution of, appointing a committee to ascertain and report the various hostilities committed by the Ministerial troops and navy in America; and letter from Silas Deane, John Adams and George Wythe, committee, to Provincial Congress, requesting detailed information of such hostilities in the Colony of New-York,..... 187
82. Letter from John Hancock, President of, to Provincial Congress, requesting copy of a letter of Gov. Tryon, to mayor

PAGE

CONTINENTAL CONGRESS—CONTINUED.

of New-York relative to recommendation of Continental to Provincial Congress, to seize the officers of government, including himself, ... 188

83. Letter from John Hancock, President of, to Provincial Congress, transmitting examination of officers of a transport cast away on the coast of New-Jersey; of the raising of recruits by one Grant, in Dutchess county; and resolution recommending Provincial Congress to take possession of blankets and shirts remaining in the King's stores in New-York, ... 188, 189

84. Letter from Provincial Congress in answer, ... 190

85. Letter from Delegates in, transmitting resolutions of, recommending the exportation of provisions and produce to the West Indies in exchange for arms and ammunition, ... 190

86. Letter from John Hancock, President of, transmitting resolution of, relative to the raising and appointment of officers for a company of matrosses for the defence of the fortifications at the Highlands, ... 191

87. Letter from Provincial Congress to, requesting an additional supply of money, ... 193

88. Letter from Provincial Congress to, informing of the transmission of orders to Col. McDougall to send Captains Grennell and Ledyard, with their companies, for the defence of the fortifications at the Highlands, ... 194

89. Letter from John Hancock, President of, transmitting resolutions of, for the garrisoning of the fortifications at the Highlands, ... 197

90. Letter from Delegates in, respecting term of election of, and compensation for services of, ... 200

91. Letter from Delegates in, relative to appointment of commander of the fortress at the Highlands, ... 200, 202

92. Letter from John Hancock, President of, requesting the furnishing the troops raised in New-Jersey for the defence of the city of New-York with firearms, to be sent to Lord Stirling, ... 202

93. Letter from Jas. Duane, one of Delegates in, transmitting resolutions of, relative to the manufactory of firelocks and saltpetre, and the punishing of persons harbouring deserters, ... 202

94. Answer of Provincial Congress to letters from, respecting the exportation of the produce of the United Colonies, the conduct to be observed by the Colonies, the defence of the fortifications at the Highlands, and supplies of clothing and ammunition for the army, ... 209

95. Letter to Delegates in, recommending Gilbert Livingston, William Bedlow, Thomas Grennel and Jonathan Lawrence, as persons qualified to command the fortress at the Highlands 209

96. Letter to Delegates in, relative to the emission of a Continental currency, ... 212

97. Letter from John Jay, relative to disturbances by inhabitants of New-England in the Colony of New-York, and transmitting resolutions of Congress relative to the exportation of American produce to the island of Bermuda, ... 218, 219

98. Resolution of Provincial Congress, fixing compensation of Delegates in, at $4 per day, ... 220

99. Order of Provincial Congress for purchase of five hundred copies of proceedings of, in Low Dutch and German, for distribution, ... 225

100. Letter from Provincial Congress to Delegates in, relative to the expediency of erecting additional fortifications at the Highlands, ... 227

101. Letter from Provincial Congress, to Delegation in, respecting proceedings relative to inimical conduct of inhabitants of Queens and Richmond counties, ... 230

102. Resolutions of Provincial Congress respecting arrangement of delegation in, so that five only may represent the Colony at one time, ... 231

103. Letter to, from Committee of Safety, transmitting plan of fortifications at the Highlands; communicated by Bernard Romans, engineer, ... 236

104. Letter to Committee of Safety, respecting expediency of exportation of flaxseed for the purchase of ammunition. 236, 237

105. Introduction to, copies of petition of, to King of Great Britain, &c. intended for publication, ... 241

106. Resolutions of, respecting the fortifications at the Highlands, ... 243

107. Letter from delegation in, respecting the Connecticut invasion, the refusal of loan to Colony, the fortifications in the Highlands, &c. 243

108. Resolution of, respecting Colonial loan, ... 244

109. Resolution of, recommending the passage of laws prohibiting the arrest of Continental soldiers for small debts, ... 244, 252

110. Letter from Committee of Safety to delegation in, respecting the necessity for provision for pay and billeting money of the troops employed at the Highlands, and of the commissioned officers in New-York battalion of Continental troops, ... 245, 246

111. Letter from Committee of Safety to delegation in, respecting the power of choosing officers of militia in certain cases, 246

112. Letter from delegation in, respecting transportation of flaxseed to Ireland, and transmitting resolutions of, relating to the construction of batteaux at Ticonderoga, sending salt thither, and the practicability of lessening the depth of water in the Narrows, and the subject of raising troops for Canada, ... 250

PAGE.

CONTINENTAL CONGRESS—CONTINUED.

113. Resolution of, recommending the exchange of Lieut. Tylee, 250

114. Resolutions of, respecting the capture and forfeiture of British ships and vessels, ... 250, 251

115. Resolutions of, permitting select men of Sherbourn in Nantucket, to apply for leave to import fuel and provisions from neighbouring Colonies, ... 251

116. Resolutions of, for a new emission of three millions of dollars of Continental paper currency, and provision for redemption, ... 251

117. Resolutions of, relative to exportation of produce and provisions; and recommending the manufacture of salt, ... 252

118. Resolutions of, requesting transmission to, of copies of all petitions, memorials and remonstrances presented by Colonies to the King or Parliament, and the answers, if any, thereto, ... 252

119. Letter from Committee of Safety to delegation in, relative to application of John Foster of Suffolk county, for permission to export live stock for gunpowder, and for sale of vessel belonging to; relative to importation of British goods, the defence of the port of New-York, the exchange of Lieut. Tylee, &c. 258

120. Letter from Committee of Safety to delegation in, relative to the expediency of providing sundry small armed vessels for the protection of trade in the Colonies, and the seizure of transports with provisions for Ministerial army and navy, 261

121. Letters from John Hancock, President of, transmitting sundry resolutions of, directing Gen. Schuyler to explore the river St. Lawrence above and below Quebec, and to construct boats, &c. for its defence; approving of the raising of a battalion of Canadians, and appointing James Livingston, Esq. colonel thereof; directing and providing for the raising of nine battalions for the defence of Canada, and of four battalions for the defence of the Colony of New-York; requesting Gen. Washington to detach one battalion from the camp at Cambridge to Canada; and making provision for pay, bounty, clothing, arms and ammunition for Canadian army, ... 265, 266

122. Instructions of, to recruiting officers, ... 266

123. Accounts of delegation in, presented, ... 267

124. Letter from delegation in, transmitting information of the appointment of committee to inquire into the expediency of Gen. Lee's proposed expedition to New-York, and relative to the protection of the navigation by cruisers; answer of Committee of Safety, ... 275, 276

125. Letter from delegation in, transmitting money for the raising of regiment destined for Canada, ... 275

126. Letter from delegation in, respecting the application of John Foster, of Suffolk county, to export live stock in exchange for powder, ... 278

127. Proceedings of Committee of, relative to the expedition of Gen. Lee to city of New-York, ... 278, 279

128. Letter from Committee of Safety to delegation in, informing of the arrival of Gen. Clinton with transports in the harbour of New-York, &c. 283

129. Letter from Wm. Floyd, a Delegate in, to Committee of Safety, relative to moneys forwarded from, and their intended application, ... 237

130. Resolution of Continental Congress, for the imprisonment of sundry disaffected inhabitants of Queens county, ... 239

131. Appointment of committee of Provincial Congress, to take into consideration the several matters recommended by; report of, ... 295, 296, 301

132. Letter from delegation in, transmitting resolutions of, relative to the admission of Deputies to Provincial Congress from Richmond county, informing of the obtaining a warrant on the Continental Treasurer, for $12,000, to aid in raising the four battalions for the defence of Canada, &c.; answer of Provincial Congress, ... 299, 300, 316

133. Resolutions of, relative to employment of artificers for building of batteaux at Ticonderoga, by Gen. Schuyler, directing him to issue warrants for completing the regiment directed to be raised in New-York, for the service of Canada, and recommending the appointment of officers thereof, to be nominated by him, ... 300

134. Resolutions of, relative to the erection of batteries in the Highlands; directing a supply of cannon, &c. to General Lee, for the seige or assault of Quebec; recommending a preference, in the new levies, to those officers serving in in the last Canadian campaign; for an advance of money for the support of the troops employed in the defence of the Colony of New-York; recommending the prosecution in the discovery of lead mines at New-Canaan; and transmitting copy of a report of Joseph Hopkins, to the General Assembly of Connecticut, thereon, ... 317, 318

135. Letter from Provincial Congress to delegation in, requesting information of promotions made by, in the Canadian service, ... 319

136. Resolution of, for payment of B. Romans, ... 322

137. Letter from Provincial Congress to delegation in, respecting pay of minute men, ... 325

138. Letter from Jas. Duane, a Delegate in, to Provincial Congress, respecting the raising of troops for Canada, choice of officers, &c. 325

139. Letter from Provincial Congress to, transmitting a list of field officers recommended for the four Colonial battalions, ... 328

PAGE.

CONTINENTAL CONGRESS—CONTINUED:

140. Letter from Provincial Congress to delegation in, requesting permission to Patrick Sinclair, lieutenant-governor and superintendent at Missilimacana, to return to Great Britain, ... 345
141. Letter from Provincial Congress to delegation in, requesting the fitting out of armed vessel, to join one from Colony, for the protection of trade, &c. 354
142. Instructions of Provincial Congress to delegation in, relative to commissioning private vessels, and issuing letters of marque and reprisal, ... 357
143. Letter from John Hancock, President of, to Committee of Safety, transmitting resolution of, requesting the Governor of Connecticut, and the Convention, &c. of New-York and New-Jersey, to hold the militia of those States in readiness to march to the defence of New-York, whenever the commander at that place shall desire, ... 370, 375
144. Resolutions of, ordering the raising of eight thousand men, for the defence of Colony of New-York; directing Cols. Irvine, Dayton, Shee and Magaw to march their battalions thither; and recommending the disarming of disaffected persons, ... 375
145. Letter from delegation in, accompanying request of Delegates from Maryland, requesting loan of cannon for defence of Baltimore, ... 377
146. Letter from delegation in, respecting the imposition of test oaths by Gen. Lee, the appointment of officers for New-York battalions; and permission to Patrick Sinclair to return to Europe, ... 379
147. Resolution of, prohibiting the exaction of test oaths by military officers, ... 379
148. Letter from Provincial Congress to delegation in, respecting correspondence with Maj. Douglass, relative to the command of the lakes, and recommending Capt. Wynkoop therefor, ... 382
149. Letter from James Duane, Esq. one of Delegates in, transmitting resolution of, respecting commissary of Pennsylvania battalion, serving in New-York, ... 383
150. Answer of Committee of Safety, ... 387
151. Resolutions of, authorizing the issuing of letters of marque and reprisal, to the commanders of private ships of war, and instructions to such commanders, ... 407, 408
152. Resolutions of, relative to supply of arms for the troops, ... 426
153. Letter from John Jay, a Delegate in, requesting an examination relative to oath administered by Gov. Tryon, to passengers in packet; appointment of committee thereon, ... 428
154. Resolution of, regulating the sale of tea, ... 440
155. Resolution of, requesting the transmission of muster rolls and accounts, by the several governments from whence militia were sent for the defence of the city of New-York, ... 440
156. Resolution of, for numbering the inhabitants of the several Colonies, ... 451
157. Resolution of, for the appointment of committee to superintend the treasury, and for the production of accounts of the several Colonies, ... 451
158. Resolution of, for the formation of a plan of government, .. 460
159. Letter from John Hancock, President of, to Provincial Congress, on the aspect of public affairs; transmitting resolutions, for the reinforcement of the army in Canada and at New-York, for the establishment of a flying camp in the middle Colonies, the appointment of brigadier-generals, the protection of stock, and the working of lead mines, 481, 482
160. Answer of Provincial Congress, ... 483
161. Letter from delegation in, requesting instructions from Provincial Congress, relative to the question of Independence, ... 488
162. Letter from John Hancock, President of, to Provincial Congress, giving advice of the approach of a British fleet and army, under command of Gen. Howe, ... 493
163. Resolutions of, prohibiting the exportation of salted pork and beef, and recommending effectual provision for detectina, restraining and punishing disaffected and dangerous persons, ... 497
164. Letter from John Hancock, transmitting resolutions of, recommending the Provincial Convention to empower the general at New-York to call out the militia to his assistance, to impress carriages and water craft, and remove vessels from Hudson's and East river; resolutions of Provincial Congress therefor, ... 501, 502, 503, 504
165. Letter from John Hancock, enclosing resolution of, for raising a new regiment of Continental troops in the Colony of New-York, ... 504
166. Letter from John Hancock, enclosing resolution of, directing the different Colonies to provide clothing for the Continental troops, and to store the same, subject to the disposition of the Commander-in-Chief, ... 504
167. Letter from John Hancock, enclosing resolution of, declaring all persons levying war against the United Colonies, adhering to their enemies, or giving them aid or comfort, guilty of treason; and recommending the passage of laws for their punishment, and also for the punishment of persons counterfeiting the Continental bills of credit, ... 506
168. Letter from John Hancock, enclosing resolution of, commissioning Major Dubois as colonel of the regiment directed to be raised in New-York, with instructions to raise a regiment to serve for three years, or during the war, and also appointing other officers of said regiment, ... 510

PAGE

CONTINENTAL CONGRESS—CONTINUED.

169. Letter from delegation in, enclosing Declaration of Independence, ... 516, 517
170. Resolutions of Provincial Congress, approving thereof, and authorizing delegation in, to concert and adopt all such measures as they may deem conducive to the happiness and welfare of the United States, ... 518
171. Letter from Convention to, relative to the nomination of officers of additional regiment of militia in New-York: the enlistment into the British service, by Gov. Tryon, of certain disaffected persons; and the propriety of expunging from the Book of Common Prayer, such parts as interfere with the interests of the American cause, ... 520, 521
172. Letter from John Hancock, President of, enclosing the Declaration of Independence, ... 521
173. Answer of Convention, ... 521
174. Letter from Convention to, transmitting resignations of sundry officers, ... 522
175. Letter from Convention to, respecting the disposition of the stock on Nassau island, ... 534
176. Letter from John Alsop, a Delegate in, resigning his seat, .. 536
177. Letter from Convention to delegation in, communicating such resignation, ... 537
178. Letter from Convention to delegation in, relative to the withdrawal of the troops from the city of New-York; the condition of the levies ordered to be raised from the militia; the aid received from other States; and the expenses of obstructing the navigation of the Hudson river, ... 560, 561
179. Letter from Convention to Delegates in, requesting permission to employ the smiths engaged in furnishing the Continental vessel at Poughkeepsie, on the fortifications of the Hudson river, and in the obstructions to its passage at the Highlands, ... 506
180. Answer of Philip Livingston, ... 605
181. Resolution of, authorizing the employment of the smiths engaged in the service of the Continental army, in obstructing the navigation of the Hudson river, ... 605
182. Letter from Committee of Safety to delegation in, informing of resolutions for the reinforcement of the forces at the Highlands, ... 617
183. Letter from Convention to delegation in, transmitting resolutions approving of the conduct of Gen. Schuyler, and requesting the withdrawal of his resignation, and an inquiry into his conduct, ... 635
184. Letter from Delegates in, transmitting information of the forwarding of a quantity of powder, and resolutions of, ordering the German battalion to join the army under General Washington, requesting a reinforcement to the garrison at the Highlands, ordering two companies of marines from Philadelphia to that station, directing application to the Council of Safety of Pennsylvania, for one-half of the artillery men in service of that State to proceed to Fort Montgomery; and approving of the measures of Convention for the defence of the Highlands, ... 652
185. Resolution of, for advancing loan to the State of New-York, ... 653
186. Letter from John Hancock, President of, transmitting resolutions for the raising of eighty-eight battalions, to serve during the war, and fixing the proportion of each State, authorizing a bounty of $20 to each non-commissioned officer and soldier; making provision for grant of lands and fixing the proportion thereof among the several officers and privates continuing in service until the close of the war; and regulating the payment of such bounty; answer of Convention, ... 653, 654, 657
(See Morris, Lewis.)
187. Letter from Philip Livingston, a Delegate in, informing of the obtaining an additional loan from, &c. answer of Convention, ... 656, 658
188. Letter from John Hancock, President of, to Gen. Schuyler, transmitting resolutions of for the raising of additional battalions, &c. 668
189. Letter from John Hancock, President of, transmitting resolutions of, providing for the examination of candidates for surgeon and surgeons' mates, in the army; answer of Committee of Safety, ... 669, 680
190. Letter from John Hancock, President of, transmitting resolutions of, increasing the pay of officers and soldiers enlisting and serving during the war, and urging the necessity of filling up the army, ... 675
191. Letter from committee of, for the purchase of clothing for the army, transmitting $10,000 to Convention to be applied for that purpose, ... 676
192. Letter from marine committee of, relative to the safety of the Continental ships building at Poughkeepsie, ... 684
192. Letter from Committee of Safety to, informing of the arrangement of officers of the four New-York battalions, and requesting permission to organize a fifth battalion, .. 715
193. Letter from Committee of Safety to, respecting the obstruction of the navigation of Hudson's river, the propriety of prohibiting the exportation of flaxseed, and the wanton destruction of public and private property at the White Plains and elsewhere by the American troops, ... 723, 724

PAGE

CONTINENTAL CONGRESS—CONTINUED.

194. Letter from Francis Lewis, chairman of marine committee of, respecting the destination of the Continental frigates at Poughkeepsie, ... 730
195. Answer of Convention, ... 737
196. Letter from delegation in, transmitting resolutions recommending the passage of laws for preventing the counterfeiting or forging the tickets of the public lottery; and empowering the State of New-York to raise an additional battalion on the Continental establishment; and informing of the presence of Gen. Washington, with the army at Trenton, and of Gen. Cornwallis at Brunswick, ... 747
197. Resolution of, relative to transmission of receipts of officers receiving money for the militia, reinforcing the armies of the United States, ... 763
198. Letter from Francis Lewis, chairman of marine committee of, relative to Continental frigates, and informing of resolutions of, investing Gen. Washington with powers for six months to regulate the armies, and increasing the number of battalions, and relative to sundry articles of clothing purchased for the troops of the State of New-York, 763, 764
199. Letter from John Hancock, President of, enclosing sundry resolutions of, vesting additional powers in Gen. Washington, recommending the appointment of a day for fasting and prayer in each State, and a general reformation of manners, and prohibiting the exportation of salted beef and pork, &c. and answer of Committee of Safety, ... 770, 787
200. Letter from Committee of Safety to, transmitting preamble and resolutions relative to the condition of Cumberland and Gloucester counties, and requesting the recall of commissions granted by, to Col. Seth Warner, ... 778, 779
201. Letter from Committee of Safety to, relative to the condition of the levies raising in this State, ... 783
202. Letter from John Hancock, President of, transmitting resolutions of, providing against the depreciation of Continental currency, declaring that the same shall be deemed equal in value to their nominal amount, recommending the enactment of laws for punishing all attempts to depreciate such currency, for making bills of credit a legal tender in payment of debts, for providing a sinking fund, and for raising taxes for the public service; authorizing an additional loan of two millions of dollars, and directing the receipt of bills of credit by commissioners of the loan office, ... 789, 790
203. Letter from Committee of Safety to Delegates in, respecting condemnation and sale of prizes taken by Captain Rodgers, of the armed sloop of war Montgomery, &c... 805
204. Letter from Committee of Safety to, relative to the disaffected subjects of this State in the three northeastern counties, ... 820, 821
204. Letters from John Hancock, President of, transmitting resolutions of, approving of the spirited exertions of this State, &c. and appointing a committee to inquire into the conduct of the Hessian officers and soldiers, ... 825
205. Circular letter from, enclosing the Declaration of Independence, with the names of the signers, and a resolution that the same be put on record, and preserved among the archives of the several United States; answer of Convention, ... 825, 830
206. Letter from John Hancock, President of, transmitting resolutions of, relative to regulating the price of provisions, &c. in the eastern States, recommending the adoption of the most effectual means for manning the Continental frigates, and for avoiding as much as possible the farther emission of paper currency, and sinking that already emitted; answer of Convention, ... 825, 830
207. Letter from John Hancock, President of, transmitting resolutions of, desiring this State to guard the passes at the Highlands with militia, ... 829
208. Letter from Convention to, relative to the condition of the fortresses at the Highlands; and recommending the appointment of General George Clinton to the command thereof, ... 840
209. Delegates from this State in, requested to repair to Convention for the purpose of explaining sundry acts and resolutions of, affecting the State, ... 855
210. Appointment of William Duer, as a Delegate from this State, in, ... 855
211. Resolution of Convention fixing the compensation of the Delegates from this State in, ... 857
212. Letter from Francis Lewis, one of the Delegates from this State in, relative to the disposition of the clothing and other cargo of the sloop Montgomery, ... 858, 859
213. Letter from John Hancock, President of, transmitting resolutions of, appointing General George Clinton to the command of the fortresses at the Highlands, ... 850, 089
214. Letter from Convention to, requesting a supply of salt from the Continental stores, ... 861
215. Instructions to Delegates from this State in, relative to the claims of Delegates pretending to represent the northeastern counties in; the appointment of Col. Seth Warner to the command of a regiment in this State; the communication of, and opposition to, resolutions of, infringing the rights or jurisdiction of this State, and consent to any plan of confederation, ... 869

PAGE.

CONTINENTAL CONGRESS—CONTINUED:

216. Letter from John Hancock, President, of, transmitting resolutions of, for the better regulating the pay of the army; for the better regulation and establishment of hospitals; respecting the muster-master's department; recommending an inquiry into the recruiting service; for exempting persons procuring substitutes; and for repealing sundry articles of war, and substituting others in their stead, ... 899
217. Requisition on Treasurer in favour of William Floyd, for compensation as a Delegate in, ... 905
218. Election of Delegates to represent this State in, and vote of thanks to former delegation, for their long and faithful services, ... 931
219. Letter from Delegates in, respecting the investigation into the several charges preferred against Gen. Schuyler, and his reinstatement to his command, ... 941
220. Letter from James Duane, one of the Delegates in, relative to negotiations with France and Spain, &c. 943
221. Resolutions of, respecting the adjustment of accounts with the several States for the recruiting service, ... 945
222. Letter from Council of Safety to Delegates in, relative to the publication, in this country and Europe, of report of, relative to the treatment, by the British, of their prisoners, .. 947
223. Letter from Council of Safety to Delegates in, respecting factious proceedings in the northeastern counties of the State, ... 947
224. Report of committee of the treasury of, relative to accounts of Genls. Schuyler, Montgomery, Jonathan Trumbull, Jr. paymaster-general, and Walter Livingston, deputy commissary-general, ... 951, 952
225. Resolutions of, declaring Albany, Ticonderoga, Fort Stanwix, and their dependencies, to form the northern department, and assigning the command thereof, to General Schuyler, ... 952
226. Report of committee, and resolutions of, respecting a complaint of the Indians relative to the intrusion of inhabitants of the State of Pennsylvania into their lands, ... 952
227. Resolution of Council of Safety, presenting their thanks to, for the efficient defence of the character of Gen. Schuyler, ... 952
228. Letter from Delegates in, respecting the reinstatement of Gen. Schuyler to the command of the northern department; the revolt in the northeastern counties; the boundaries of the State, ... 953
229. Letter from Delegates in, transmitting report of marine committee, and resolutions of, respecting the manning and fitting of two galleys for the defence of Hudson's river, .. 958, 959
230. Letter from Council of Safety to Hon. John Hancock, President of, relative to the fitting out and command of such galleys, ... 966
231. Letter from Council of Safety to delegation in, ... 966
232. Letter from Council of Safety to delegation in, respecting the release of certain prisoners belonging to this State, confined in the jail at Philadelphia, ... 970
233. Letter from delegation in, transmitting resolutions of, for the sale of a quantity of salt to Council of Safety, ... 980, 981
234. Letter from delegation in, transmitting resolutions of, respecting abuses in the commissary's department, ... 986
235. Letter from delegation in, transmitting resolutions of, respecting the proceedings and prospects of the Continental army, ... 980
236. Resolutions of, respecting the rank of officers of the army, &c. 983, 984
237. Letter from Council of Safety to Delegates in, on the subject of the revolt in the northeastern parts of the State, 984, 985
238. Letter from Council of Safety to Francis Lewis, chairman of marine committee, requesting him to desist from the further purchase of salt, and to forward his accounts for collection, ... 985
239. Letter from marine committee of, to Council of Safety, requesting their assistance in fitting out the Continental frigates, for the obstruction of the Hudson river, ... 992
240. Letter from John Hancock, President of, transmitting resolutions of, for supplying the troops at Ticonderoga with blankets, ... 997
241. Letter from delegation in, respecting the manufacture of salt; the account of State prisoners sent to Philadelphia; the expenses for the obstruction of the navigation of Hudson's river; and proceedings relative to the organization and establishment of a new State from the northeastern counties, ... 998, 999, 1000, 1001
242. Resolutions of, relative to the claims of the inhabitants of the northeastern portions of the State to an independent State, to be called the State of Vermont, ... 998, 999
233. Answer of Council of Safety to letters from delegation in, transmitting the foregoing resolutions, ... 1003, 1004
244. Letters from John Hancock, President of, transmitting resolutions of, relative to a reinforcement of the Continental army, ... 1008
245. Letter from Gen. Schuyler to, informing of the retreat of the army under his command, to Saratoga, and of his proceedings and prospects, ... 1028, 1029
246. Letter from delegation in, to Council of Safety, respecting the application for the recall of Gen. Schuyler from the command of the northern army, and the reinstatement of Gen. Gates, ... 1033

PAGE.

CONTINENTAL CONGRESS—CONTINUED.

247. Letter from Council of Safety to delegation in, respecting the condition of the northern frontiers,.....1038, 1039, 1042
248. Letter from Council of Safety to President of, transmitting information of the raising of the siege of Fort Schuyler, the battle of Bennington, and the retreat of Gen. Burgoyne,..... 1048
249. Answer of Delegates,..... 1050
250. Letter from Council of Safety to Delegates in, relative to the loss of Fort Montgomery, and the proceedings of the enemy,..... 1072
251. Letter from Council of Safety to, respecting the convention with Gen. Burgoyne, on the surrender of his army, 1075, 1076
252. Letter from James Duane, a Delegate in, to Council of Safety,..... 1091
253. Letter from Council of Safety to Delegates in, respecting contracts for the manufacture of hides and leather,..... 1102
254. Letter from Convention to Delegates in, transmitting accounts and vouchers of disbursements paid by this State, for prisoners of war,..... 1114
255. Letter from Francis Lewis, a Delegate in, to Convention, respecting the purchase of woollens for the use of the troops, and informing of the ratification, by the Legislature of Virginia, of the Articles of Confederation,..... 1116
256. Letter from Francis Lewis, a Delegate in, to Convention, respecting abuses in the commissary's and quarter-master's departments, ... 1117
257. Resolutions of Convention, authorizing and requesting delegation in, to appoint a person to make up into clothing such of the woollens purchased for the troops of this State, as are proper for that purpose; and to deliver the same to the commanding officers of the two Continental battalions raised under the direction of this State,..... 1117
258. Resolutions of, recommending the several eastern and middle States to appoint commissioners, to meet at New-Haven, for the regulation of the prices of labor, manufactures and internal produce, and the charge of innholders, &c.. 1117

CONTINENTAL FRIGATES.
(See Ships and Vessels, 93, 94, 96, 97, 98, 99, 100, 101, 102, 103, 108.)
(See Tudor, Samuel, 2.)
(See Bicker, Victor, Jr.)
(See Continental Congress, 206.)

1. Resolution of Convention for embodying an armed force, to guard at Esopus Landing,..... 904
(See Hudson River, 47 to 53.)
2. Appointment of Daniel Shaw as 1st lieutenant of the Congress, under the command of Capt. Thomas Grennel,..... 1001
3. Letter from Council of Safety, to marine committee of Congress, respecting officers of, &c. 1015
4. Letter from Council of Safety to Capt. Grennel,..... 1015
(See Clinton, George, 50.)

CONTINENTAL LOAN OFFICE.
(See Commissioners of Loan Office.)
(See Ten Broeck, Dirck.)

CONTINENTAL PAPER CURRENCY.

1. Appointment of committee to consider the expediency of emitting,..... 14
2. Letter from Provincial to Continental Congress, relative thereto, ... 14
3. Report of committee on; merchants of the city desired to attend discussion thereof, ... 15, 18, 19
4. Report unanimously agreed to, and copy, together with letter, directed to be sent to Continental Congress,..... 20
(See Continental Congress. 11.)
5. Letter from Delegates in Continental Congress, respecting, 30, 39, 46, 47, 64, 84
6. Answers of Provincial Congress,.....32, 33
7. One hundred and seventy-five thousand dollars of, delivered to Treasurer, ... 116
8. Resolution of Provincial Congress, for emission of £45,000, to defray expenses incurred by Colony,..... 123
9. Letter to Delegates in Continental Congress, relative to emission of,..... 212
10. Resolutions of Provincial Congress relative to redemption and sinking of,..... 223
11. Directions for receipt of additional sum of, from Continental Congress, ... 224
12. Receipt of, and delivery to Treasurer,..... 244
13. Resolutions of Continental Congress for a further emission of three millions of dollars of, and provisions for its redemption,..... 251, 252
(See Colonial Paper Currency.)
14. Loan officers directed to receive in payment of loans,..... 350
15. Appointment of committee to devise ways and means for preventing depreciation of,..... 775
16. Resolutions of Continental Congress for the prevention of the depreciation of, and recommending the passage of laws for the punishment of such offence,.....789, 790
(See Bills of Credit.)
17. Resolutions of Continental Congress recommending to avoid the further emission of, and to sink that already emitted,. 825
18. Resolutions of House of Representatives and Council of Massachusetts Bay, appointing a committee to confer with committee of this and the eastern States, relative to the depreciation of,..... 994

PAGE.

CONTINENTAL PAPER CURRENCY—CONTINUED.

19. Appointment of committee by Council of Safety, and answer of Council,..... 1002, 1003, 1009
20. Letter from John Sloss Hobart, respecting transmitting amount of bills of credit emitted and in circulation, in New-York and the New-England States,..... 1029, 1030

CONVENTION OF SENATE AND ASSEMBLY.

1. Organization, list of members, and proceedings of,..... 1061, 1062

CONVENTION OF REPRESENTATIVES OF THE PEOPLE OF THE STATE OF NEW-YORK.

1. Resolution of Provincial Congress changing the style of, to,..... 519
2. Adjournment to Harlem, ... 548
3. do to Fishkill,..... 599 to 600
4. Members, directed to furnish themselves with arms and ammunition, to prevent surprise,..... 672
5. Adjournment to Kingston, ... 802, 803

COOK, GEORGE.

1. Petition of, for employment in making belts and pouches,.... 87

COOKE, SAMUEL.

1. Appointment of, as surgeon of third regiment,..... 62, 121
(See Livingston, Henry Jr.)

COOMBE, GEORGE.

1. Appointment of, as commissary of provisions to the militia of Tarrytown,..... 524

COOPER, GILBERT.

1. Appointment of, as muster-master of Capt. Robert Johnson's company,..... 95
2. Appointment of, as lieutenant-colonel of regiment of militia in Orange county,..... 528

CORNELL, JOHN.

1. Order for delivery of horse to, left at Mr. Waldron's stable by George Nicholson; and provision for keeping,..... 148
3. Permission to, to prosecute therefor,..... 180

CORNWALL. (See Orange County.)

CORNWELL, ASPINWALL.

1. Choice of as ensign, in Capt. John Sands' company of militia, in Queens county, ... 173

COUNCIL OF APPOINTMENT.

1. Proceedings of Convention, in framing Constitution relative to,..... 875, 876, 877, 890

COUNCIL OF REVISION.

1. Proceedings of Convention, in framing Constitution, relative to,..... 860, 862, 891, 892

COUNCIL OF SAFETY.

1. Organization and choice of,.....910, 911, 1062
2. Adjournment of, to Poughkeepsie,..... 1103

COUNTERFEIT BILLS.
(See Westchester County, 47, 49, 50.)
(See Ulster County, 44, 67.)
(See Suffolk County, 62.)
(See Prisoners, 94.)
(See Continental Congress, 167.)
(See Bills of Credit, 7, 8.)
(See Resolutions of Convention, 22.)

COUNTY COMMITTEES.

1. Recommended to be formed, ... 15, 18
2. Directed to purchase or hire arms for use of Continental army,..... 103
3. Authorized to apprehend, try and imprison suspected persons, and to sequester estates, &c 131, 132
4. To appoint assessors and collectors, for the apportionment and collection of the quotas of the several counties, for the redemption of bills of credit, and to act as supervisors,.. 134
5. To appoint county treasurers; duties and fees of, ... 134
6. Chairman of, with aid of militia officers, to carry into execution resolution of Committee of Safety, for impressment and appraisal of arms in the hands of persons not having signed the general association,..... 150
7. Authorized to call in assistance, when necessary, from neighbouring Colonies,..... 214
8. Authorized to imprison persons refusing to appear and give testimony, when required,..... 215
9. Circular from Committee of Safety to, respecting election of Delegates to General Assembly,.....236, 240
10. Circular from Committee of Safety and Provincial Congress, respecting the enlisting of men in the four Continental regiments, and the choice of officers,..... 269, 308
11. Resolutions of Provincial Congress authorizing loans to, for the public service, ... 356
12. Circular to, requesting a return of the names of recruiting officers, and the number of men enlisted, and to cause such troops to be forwarded to the city of New-York,..... 396
13. Circular to, respecting the forwarding of arms taken from disaffected persons, ... 417
14. Circular to, requesting an enumeration of inhabitants, &c..... 458
(See Resolutions of Convention, 29.)
15. Authorized and directed to retail Bohea tea, at fixed prices and limited quantities,..... 682
16. Authorized to grant passes to travellers, &c. 706

PAGE.

COUNTY TREASURERS.
(See County Committee, 5.)

COURT OF ADMIRALTY. (See Admiralty.)

COURTS OF JUSTICE.
(See Duer, William, 3.)
(See Charlotte County, 2.)
(See Resolutions of Convention, 4.)

1. Proceedings of Convention in framing a constitution relative to the organization of, ... 882
2. Draft of commission for holding courts of oyer and terminer and general jail delivery in this State, ... 948, 949

COURTS MARTIAL.
(See Resolutions of Convention. 123.)

1. Proceedings and testimony before, in the cases of Samuel Knap and Samuel Devine, on charge of treason,..... 814, 815
2. Letter from Gen. McDougall, transmitting proceedings of, on the trial of Simon Maybee, charged as a spy; confirmation of, ... 883, 884
3. Letter from Gen. McDougall, transmitting proceedings and sentence of, in the cases of John Williams, Job Babcock, Anthony Hill and Thomas Barker, charged with traitorous correspondence with the enemy,..... 902
4. Confirmation of, in the cases of John Williams and Anthony Hill, and pardon under the gallows to Job Babcock after the executions of the others, ... 904, 905
5. Letter from Gen. George Clinton, transmitting the proceedings and sentence of, against sundry persons tried at Fort Montgomery, and proceedings of Convention thereon, 908, 909, 922 to 926, 927, 928
6. Pardon to William Tielts and Hendrick Crispell, ... 909
7. Letter from Convention to Gen. George Clinton, respecting prisoners sent by him, ... 914
8. Pardon to sundry persons condemned by, ... 939, 943
9. Letter from Gen. McDougall, transmitting proceedings of, against John Likeley and Anthony Umans; answer of Council of Safety,..... 964, 965
10. Proceeding of Council, in the case of James Huetson, and confirmation of sentence,..... 968, 969
11. Proceedings of Council in the case of Robert Coventry,. ... 969
12. do do do Israel Osborn, ... 969
13. do do do Benj. Ingraham, Asa Beebe and Moses Wooster, ... 969
14. Proceedings of Council in the case of Jesse Bullis,..... 969, 970
15. do do do Jacob Miller, ... 970
16. do do do John Clint, ... 970
17. do do do Arnout Viele,..... 970, 971
18. do do do William Frazer,..... 971
19. do do do Thomas Blewer, ... 971
20. do do do Alexander Patterson, . 971
21. do do do Thomas Frazer,..... 971
22. do do do Thos. Veile and others.
23. Letter from Brig. Gen. Ten Broeck, transmitting proceedings of, in case of Andries Huyck, of Schodack, in the manor of Rensselaerwyck; confirmed,..... 984
24. Pardon granted to Jacob Furler, Jr. Cornelius Furler and Coenrad Mysener, condemned at, ... 987
25. Pardon granted to Walter Stouter,..... 991
26. do do William Kelder,..... 906
27. Letter from Gen. Putman, transmitting proceedings and sentence of, in the case of Edward Palmer, tried and convicted as a spy, ... 1020

COVENHOVEN, NICHOLAS.

1. Appointment of as lieutenant-colonel of the militia drafted from Kings and Queens counties, ... 568
2. Examination of, on his escape from the British troops as a prisoner, ... 598

CRANE, JOSEPH.

1. Appointment of, as captain-lieutenant in Captain Sebastian Bauman's company of artillery, ... 403

CRANE, WILLIAM, LIEUT.

1. Requisition on Treasurer in favour of, for £30 to pay for billeting money and men, ... 142

CREGIER, CORNELIUS.

1. Appointment of, as assistant commissary of clothing store,.. 807

CROTON RIVER.

1. Directions to Brig. Gen. Morris and Captain Townshend, to march to the mouth of, ... 541

CROWN-POINT.
(See Ticonderoga and Crown-Point.)

CUMBERLAND COUNTY.

1. Letter to Col. James Rogers, of Kent,..... 21
2. Names and credentials of Delegates from, to first Provincial Congress, ... 49
3. Information respecting State of: and appointment of committee thereon,..... 69
4. Appointment of member of Committee of Safety for..... 70
5. Resolution of committee of, empowering Delegates in Provincial Congress to act singly,..... 105
6. Samuel Wells, of, requested to attend before Committee of Safety, ... 145
7. Letter to committee of, requesting the attendance of Delegates from, in Provincial Congress, ... 199

PAGE.

CUMBERLAND COUNTY—CONTINUED.

8. Names and credentials of Delegates from, to second Provincial Congress,..... 226
9. Letter from Col. James Rogers, declining the office of brigadier-general of militia for political reasons, ... 228
10. Objections of inhabitants of Putney, Westminster and Fulham townships in, against the gentlemen recommended by county committee as field officers of, ... 228
11. Association in Townshend, ... 228
12. Field officers for regiments of militia and of minute men in, appointed,..... 237
13. Recommendation to committees of, and of Charlotte and Gloucester, to nominate a brigadier-general of militia..... 237
14. Committee of, directed to report list of officers under the rank of field officers,..... 237
15. Committee of, directed to nominate field officers for lower regiment of militia in said county, ... 237
16. Letter from Samuel Stevens of, relative to the appointment of field officers in, ... 238
17. Letter from Committee of Safety to committee of, relative to divisions and dissentions in, ... 242
18. Permission to Dr. Paul Spooner, a member of Committee of Safety from, to return home; and provision for expense,.. 243
19. Return of militia officers of first regiment of, ... 324, 331
20. Letter from committee of, respecting pay of Delegates from, to Provincial Congress, and order of Provincial Congress thereon,..... 331
21. Letter from Samuel Gale, clerk of, complaining of seizure of and imprisonment in Fairfield county, Connecticut; resolutions and proceedings of Provincial Congress thereon, 339, 340, 365
22. Letters from Provincial Congress to committee of Fairfield county, requesting the immediate discharge of said Samuel Gale, ... 365
23. Names and credentials of Delegates from, in third Provincial Congress, ... 496
24. Names and credentials of Delegates in fourth Provincial Congress, ... 515
(See Militia, 25.)
(See Bayley, Jacob.)
25. Letter from committee of, respecting the institution of a form of government,..... 587
26. Reservation by committee of, of right of seceding from the government of this State; and acknowledgment of jurisdiction by Deputies from, ... 646
27. Interrogatories propounded by Convention to Deputies from, and their answers relative to such jurisdiction,..... 647
28. Report of Committee, on application of Joab Hoisington, commander of company of rangers, for the defence of, and relative to the claim of, jurisdiction of this State, over, 659, 660, 661
29. Resolutions of Convention thereupon, ... 661
30. Report of committee relative to condition of, ... 775, 776
31. Preamble and resolutions of Committee of Safety thereon; and letter to Continental Congress, requesting the recall of the commissions granted to Col. Seth Warner and his officers,..... 777, 778, 779
32. Letter from Committee of Safety to Continental Congress relative to disaffections in, ... 820, 821
33. Instructions to delegation in Congress relative to claim of representation in Congress from, &c..... 869
34. Election of Paul Spooner as sheriff of, ... 912
(See Resolutions of Convention, 137.)
35. Recommendation to inhabitants of, to form associations, &c. 921
36. Representation of committee of, giving an account of the state of said county, as to the revolted subjects who set up an independent government, ... 995
37. Letter from Paul Spooner, resigning his office as sheriff of said county, ... 995
(See Vermont.)

CURRENCY.
(See Continental Paper Currency.
(See Colonial Paper Currency.)
(See Bills of Credit.)

CURRIE, DAVID.

1. Appointment of as commissary, &c. bond of; and requisition on Treasurer in favour of,..... 953

CURTENIUS, PETER T. (See Commissary.)

1. Resolutions of Provincial Congress for the appointment of as commissary, for the purchase of stores and provisions, and the engagement of artificers and mariners; commissions to be allowed to; and agreement to indemnify, and to allow interest on advances of,..... 27
2. Instructions and directions to, by Provincial Congress,..... 27
3. Acceptance of,..... 27
4. List of men and articles directed to be furnished by and forwarded to south end of Lake George, ... 28
5. Powder in custody of, to be sent to committee at Albany.... 30
6. List of artificers and stores directed to be provided by, and forwarded to Ticonderoga, ... 32
7. Directed to give a receipt for certain powder obtained from Elizabethtown, for use of Provincial army at Massachusetts Bay, ... 37
8. Directed to purchase sundry articles of provisions for use of troops, and forwarded to Albany, ... 40, 78

PAGE.

CURTENIUS, PETER T.—CONTINUED.

9. Directed to purchase sundry articles of military stores, ... 45, 76, 81, 94
10. To purchase blankets and forward to Albany committee,... 55
11. To procure sundry articles of clothing and ammunition for Colonial troops, ... 59, 65, 75, 99
12. To procure sundry articles of clothing and ammunition for troops at Ticonderoga, ... 60, 93
13. Authorized to purchase certain articles of Messrs. Robert and John Murray, ... 65, 97
14. To procure drums for use of troops,..... 65
15. To provide provisions and tents for first regiment,..... 65, 85
16. To supply utensils for armourer of Connecticut troops; separate account to be kept,..... 66
17. To forward to Albany hospital stores for use of Connecticut troops,..... 76
18. To supply sundry articles for armourer of first regiment,.... 76
19. Letter from Committee of Safety to Delegates in Continental Congress, recommending continuance of employment of, 85, 86
20. To transmit to Albany sundry military stores and medicines for use of second regiment, ... 94
21. To prevent sundry articles of military stores to Cols. Clinton and Holmes,. 99
22. Letter from, respecting purchase of sundry articles from Messrs. Murray, ... 99
23. Directed to forward certain articles of military stores to Albany,..... 106, 112, 128
24. To furnish arms to Cols Holmes and McDougall, ... 110, 127
24. Treasurer directed to pay £20,000 to, for discharge of debts contracted in the purchase of provisions, military stores, &c. 118
25. To purchase sail cloth &c. for tents to be forwarded to Gen. Schuyler at Ticonderoga,..... 126
26. Order on Treasurer in favour of, for £5,000 to discharge debts contracted for provisions, military stores, and other necessaries,..... 130
27. To provide watch coats for sentinels; expense thereof to be a Continental charge,..... 134
28. To purchase pistols and cutlasses and forward to Ticonderoga,..... 151
29. Treasurer to advance money to, on account,..... 167
30. To provide certain intrenching tools,..... 182
31. Examination of, respecting the purchase of blankets, &c.... 193
32. To deliver to Capt. Skidmore, of Queens county, the arms belonging to company of, and pay appraised value of such as were appropriated to the public service,..... 227
33. Employment by, of Jacamiah Allen, to furnish lead and bullets, ... 240
34. Accounts of, and balance due to,..... 253
35. Directed to purchase salt, and transmit to Albany,..... 253
36. Directed to examine arms preparing for Lord Stirling's troops, and to forbid the sale of arms to persons residing out of the Colony,..... 253
37. Directed to purchase blankets for soldiers,..... 253
38. Directed to keep separate acccounts of Continental and Provincial charges, ... 253
39. Treasurer directed to advance money to, ... 253
40. Inventory of military stores taken by, out of the lower barracks, by order of Provincial Congress; and directions for safe keeping and preservation of, ... 3_3
41. List of articles directed to be provided by, for use of Colonial troops,. 324
42. Letter from, to Provincial Congress respecting demand of certain hospital stores in possession of; and letter from Provincial Congress to General Lee thereon,..... 330
43. Directed to provide sundry artillery stores for defence of the city of New-York,..... 376
44. Requisitions on Treasurer in favour of, ... 388, 517
45. Directed to procure suitable clothing for the troops, ... 505
46. Account of, audited by committee of pay table, and requisition on Treasurer in favour of,..... 506
46. Letter of, informing of the landing of the British troops on Staten Island, without opposition, and of the advancement of detachments to Bergen-Point and Elizabethtown, ... 517
47. Letter from, transmitting a list of articles contracted for, by order of the Convention..... 600
48. Authorized to borrow the sum of £10,000 on the credit of the State,..... 600
49. Account of leads, ball and flints shipped and delivered by, in pursuance of orders of Congress,..... 655
50. Requisition on Treasurer in favour of, for payment for clothing to be purchased for the troops, and directions relative to such purchase, ... 694
51. Requisition on Treasurer in favour of, for balance due on settlement of accounts of,..... 705
52. Requisition on Treasurer on account,..... 706

CURTIS, BENJAMIN.

2. Appointment of, as sergeant to first regiment,..... 380

D.

DAN, DAVID.

1. Appointment of, as captain in Col. Thomas' regiment of militia, in Westchester county, ... 576

DARTMOUTH, LORD.
(See New-York City and County, 60, 61.)
(See Tryon, Gov. 4, 5.)

PAGE.

DAVIS, BENJAMIN, alias JOHN JOHNSON.
(See Albany City, 25.)
(See Indian Affairs, 6.)

DAVIS, CAPTAIN JOHN.

1 Return of company of, in Suffolk County,..... 398

DEANE, GILBERT.

1 Appointment of, as captain of a company of militia in Col. Saml. Drake's regiment, of Gen. Scott's brigade,..... 654

DEANE, SILAS. (See Continental Congress, 81.)

DEANE, WILLIAM JR.

1. Certificate of Committee of Safety in favor of, and James Newport, assistant, on his departure from New-York, for Williamsburgh, in Virginia,..... 155

DEBT. (See Public Debt.)

1. Resolution of Continental Congress, recommending the passage of laws prohibiting arrest of Continental soldiers, for, ... 244

DEBTORS.

1. Resolution of Committee of Safety, directing the payment into the treasury of all debts due from Gilbert Drake to Wm. Lounsbery,..... 802
2. Resolution of Committee of Safety, directing the payment into the treasury of a debt due from Henry Wisner to Oliver De Lancy,..... 803
3. Resolutions of Committee of Safety, directing the payment into the treasury of all debts due to the loan offices, and to inhabitants removed from the State, or residents of districts within the power of the enemy,.....818, 819

DECLARATION OF INDEPENDENCE.
(See Independence.)

DEDIMUS POTESTATEM.

1. Form of, to administer oaths to the several officers of government, ... 935

DE KAY, CAPT. CHARLES.

1. Examination and commitment of, to the custody of Col. McDougall,.....122, 123

DELAWARE. (See Continental Army, 11.)

DELLIVAN, CAPT. SAMUEL. (See Rangers, 7.)

DEMOTH, CAPT. MARCUS.

1. Requisition on Treasurer for payment and subsistence of company of rangers commanded by, in Tryon county,..... 828

DENMARK.

1. Proclamation of King of, declaring a forfeiture of the estates of all persons bearing arms against the King of Great Britain, in the present contest with America, ... 792

DENNIS, PATRICK.

1. Appointment of, as 1st lieutenant of Capt. Anthony Rutgers' artillery company, in the city of New-York, ... 66

DENNISTON, GEORGE.

1. Appointment of, as adjutant, Ulster county militia,..... 135

DENTON, CAPT. DANIEL.
(See Jackson, Geo. Hamilton, 1.)

1. Letter from, to Provincial Congress, informing of the completion of company of, in Orange county, as a part of the Continental battalion,..... 357
2. Order of Provincial Congress thereon,..... 357
3. Requisition on Treasurer, in favour of,..... 360
4. Appointment of, as captain in Col Ritzema's regiment,..... 405

DENTON, JOSEPH. (See Suffolk County, 14.)

DEPUTY ADJUTANT-GENERAL.

1. Resolutions of Continental Congress, recommending appointment of,..... 84
2. Letter from Delegates in, recommending Morgan Lewis as a proper person therefor, ... 90
3. Appointment of William Duer,..... 91
4. Letter to Continental Congress, informing of,..... 91
5. Letter from, requesting time to consider of the expediency and propriety of accepting such appointment, in consequence of the situation of his private affairs, and certain connections in Dominica,..... 107
6. Report of committee appointed to confer with, recommending that he be permitted to decline said appointment,..... 117
7. Appointment of Robert G. Livingston, Jr. 117
8. Directed to join the army under command of General Schuyler, ... 117
9. Appointment of Edward Flemming, as,..... 126
10. Directed to join Gen. Schuyler, at Ticonderoga,..... 126

DEPUTY PAYMASTER-GENERAL.
(See Trumbull, Jonathan Jr.)

DEPUTIES.

1. Attending the first Provincial Convention, at New-York, April 20, 1775,..... 1
2. Credentials of,..... 1, 2, 3
3. Attending the first Provincial Congress, ... 7 to 16
4. do second do 285, 206
5. do third do 448, 449

DE LANCEY, JOHN.

1. Reprimanded for insult to Mr. Scott, a member of Provincial Congress, during the session of the House, and enjoined to stop all farther dispute between them,..... 101

PAGE.

DE LANCEY, OLIVER. (See Debtors, 1.)

DESERTERS.

1. Resolutions of Committee of Safety for the apprehension and punishment of, ... 155
2. Letter to Committee of Safety in New-Jersey, ... 157
3. Answer of Committee, ... 169
3. Letter to Gen. Washington, respecting, ... 184
(See Holmes, James, 8, 9.)
(See Clinton, James, 7.)
(See Orange County, 16)
5. Resolutions of Continental Congress, relative to punishment of persons harbouring, ... 202
(See Suffolk County, 65.)
(See Knap, Samuel.)
6. Letter from Gen. Washington, recommending the passage of laws for the punishment of, ... 799
7. Resolutions of Committee of Safety, directing the apprehension of, and imposing penalties on persons harbouring or concealing, ... 801
(See Hasbrouck, Capt. Elias, 4.)

DEVINE, SAMUEL.

1. Proceedings and testimony before court martial, on trial of, on charge of treason; letter from Gen. George Clinton, and Jesse Woodhull, president of said court; and petition of members thereof, for pardon, ... 814, 815

DE WITT, CAPT. JACOB RUTZEN.

1. Certificate relative to pay roll of, and requisition on Treasurer in favour of, for payment, subsistence and bounty due to company of rangers of, in Ulster county, ... 685, 720, 776
2. Placed under command of Brig. Gen. George Clinton, ... 813

DE WITT, THOMAS.

1. Appointment of, as 1st. lieutenant in Capt. Jacobus Bruyn's company, ... 99

DISAFFECTED PERSONS.

1. Resolutions and proceedings of Provincial Congress respecting, in Queens and Richmond counties, .. 216, 229, 230, 231, 252, 289
2. Directing inhabitants visiting the Colony from neighbouring Colonies to furnish themselves with certificates from the committees of their respective jurisdiction, ... 232
3. Authorizing the purchase of pitch, tar and turpentine for public use and safety, ... 232
4. Order for arrest of Alexander Leslie on charge of traitorous correspondence with the enemy, ... 252
(See Prisoners, 22 to 31.)
(See Doughty, Timothy.)
5. Resolution of Continental Congress for imprisonment of, ... 289
6. Resolution of Continental Congress for disarming of, &c. 375, 379
7, Appointment of committee to report a plan for disarming, pursuant to such resolutions, ... 386
(See Tories)
8. Resolutions of Provincial Congress for composition from, for military duty, ... 440
9. Resolutions of Committee of Safety for the appointment of commissioners to compel the disaffected portion of Colonel Graham's regiment of militia, in Rhinebeck precinct, and Colonel Field and Wm. Humphries in Paulding's precinct, to march as directed by resolutions of Convention, . 757
(See Dutchess County, 57, 58.)
(See Petitions, 51.)
10. Appointment of committee to report an act of grace for, not charged with treason, who have been sent out of the State, or confined within it, by order of the committee for detecting conspiracies, ... 823
11. Resolutions of Convention therefor, ... 827
12. Order for apprehending and imprisonment of Samuel Townshend, as, ... 904
13. Resolutions of Convention for the confinement of, on board vessels in the Hudson river to be prepared for that purpose, ... 908

DOORKEEPER. (See Pettit, Thomas.)

DOP, PETER. (See Ships and Vessels, 15.)

DOUE, THOMAS.

1. Petition of, for relief; examination of; and proceedings of Convention thereon, ... 949, 950

DOUGHTY, TIMOTHY.

1. Order of Provincial Congress for discharge of, ... 182
2. Application of, for copy of affidavits against; denied; 184
3. Arrest and re-imprisonment of, on charge of disaffection, ... 288

DOUGLASS, CAPTAIN ASA.

1. Communication of, to Provincial Congress respecting letter of Colonel Allen to Continental Congress, services of, and compensation to, troops who took Ticonderoga, Crown-Point, &c. and desiring the command of forces raised in King's district, ... 14

DOUW, VOLCKERT P.

(See Albany, 35.)
(See Caughnawaga Indians.)
(See Six Nations, 1.)

DRAKE, COLONEL GILBERT.

1. Report of committee and resolutions of Provincial Congress, for allowance to, as compensation for his services and expenses in purchasing provisions, ... 495

PAGE.

DRAKE, COLONEL JOSEPH.

1. Resolution of Convention explanatory of the preference given to Colonel Thomas, in the appointment of militia officers in Westchester county, and expressing their high regard for the integrity, talents and military virtue of, ... 537
2. Resolution of, and appointment of committee to investigate conduct of, ... 556
3. Letter from, setting forth his conduct relative to drafting men out of his regiment, and the reasons of his resignation, .. 565
4. Letter from, transmitting an account of proceedings of, ... 597
5. Letter from Convention to, approving of proceedings of, ... 598

DRAKE, SAMUEL.

Col. of regiment of minute men in Westchester county.

1. Letter from, relative to supply of arms, &c. 304
2. Return of officers of company of, in Harrison's precinct; and requisition on Treasurer for advance to, for use of his regiment, ... 314, 328
3. Officers of regiment of, ... 319, 320
4. Return of officers of militia company in, ... 331
(See Graham Lewis, Lieut. Col.)
5. Appointment as colonial of militia regiment in Westchester county in the Continental service, ... 489

DREWIDZ, JOHAN CHRISTIAN.

(See Prisoners, 10.)

DRUMMOND, LORD.

1. Permission for, to repair to the island of Bermuda, for the recovery of his health; and certificate in favor of, ... 405

DRUMS.

1. Directions for procuring, for use of Colonial troops, ... 65
2. Petition of Samuel Faulkenham and David Woolhaupter, to be employed in making, ... 75

DUANE, JAMES.

1. Re-election of, as a Delegate in Congress, and vote of thanks to, for his long and faithful service therein, ... 931

DUBOIS, CORNELIUS J.

1. Appointment of, as second lieutenant in Captain John L. De Witt's company in Colonel Humphrey's regiment of Dutchess county, ... 525, 552

DUBOIS, DAVID.

1. Appointment of, as first lieutenant in Captain Nicholson's, company, ... 99

DUBOIS, LEWIS.

1. Muster roll of, returned and filed, ... 112
2. Appointment of, as major of Ulster county militia, ... 135
3. Appointment of, as colonel of New-York regiment, with instructions to raise a regiment to serve for three years or during the war; and appointment of field officers of, ... 510
4. Accounts of billeting company of troops of, in Colonel Clinton's regiment, ... 526
5. Requisition on Treasurer, in favour of, for recruiting service of his regiment, ... 755
6. Requisition on Treasurer for bounty, ... 846, 847
7- Letter from General George Clinton, respecting appointment of pay-master and other officers of regiment of; and resolutions of Council of Safety thereon, ... 977

DUER, WILLIAM.

1. Communication from, to Provincial Congress respecting certain charges against, and requesting the appointment of a committee of investigation; appointment of such committee, ... 42
2. Report of committee in favour of, and order thereon, ... 43, 44
3. Letter from, respecting combinations of disaffected persons, on New-Hampshire Grants, to stop the courts of justice at Fort Edward; and answer of Committee of Safety, ... 71, 72
4. Letter from chairman of Springfield committee, Massachusetts Bay, in commendation of conduct of, ... 76, 77
4. Appointment of, as deputy adjutant-general, ... 91
6. Letter from, expressing his respect and gratitude for the confidence reposed in, and requesting an indulgence of three days to determine whether he can accept the same, in consequence of certain connections in Dominica, ... 107
7. Report of committee appointed to confer with, recommending that under the peculiar circumstances of the case, he be permitted to decline such appointment. 117
8. Letter from General Schuyler, respecting petition of, relative to election of Deputies to Provincial Congress from Charlotte county, ... 453
9. Letter from General Gates, relative to proceedings of Gen. General Clinton and the Continental army, ... 750, 751
10. Letter from, to Committee of Safety, relative to proceedings of the army in Westchester county, and the movements of Generals Heath and Wooster, ... 808, 809
10. Appointment of, as a Delegate from this State to Continental Congress, ... 855
11. Re-election of; vote of thanks to, ... 931

DUMOND, EGBERT.

1. Resolutions of Committee of Safety calling upon, to account with the Treasurer for moneys advanced by him, ... 694

DURLIN, JOHN.

1. Appointment of, as captain of the forces raised in Dutchess county for the quieting and apprehension of disaffected persons, ... 503

PAGE.

DUTCHESS COUNTY.

1. Names and credentials of, Deputies from, to first Provincial Convention, ... 1, 2, 3, 4
2. Proceedings and statement of committees from precincts of Rumbout, Northeast, Amenia and Rynbeck, relative to choice of Deputies, ... 4
3. Names and credentials of Deputies from Provincial Congress, 7, 16
3. Appointment of member of Committee of Safety, ... 70
4. General association signed by inhabitants of Amenia precinct, ... 108
5. Appointment of field officers of regiment of minute men in, 135
6. Letter from Egbert Benson, chairman of committee of, informing that Mordecai Lester and Messrs. Doughty and Berghs, are said to have enlisted men and purchased supplies for the enemy, and order to Col. Lasher to apprehend said Lester, ... 138
(See Ships and Vessels, 21.)
7. Letter from chiarman of committee, and sundry certificates relative to arms procured for troops, in, ... 150
8. Letter from chairman of committee of, enclosing sundry affidavits against Timothy Doughty, Adam Bergh, Christian Bergh, Jr. and others, ... 158
9. Discharge of Timothy Doughty, a prisoner arrested in, for certain disturbances; and grounds of such discharge, ... 182
10. Letter from President of Continental Congress respecting the raising of recruits in, for the British army by one Grant, and recommending the arrest of said Grant, ... 188
11. Remonstrance of associated company at Poughkeepsie; and order for commissions for, ... 191
12. Letter to Poughkeepsie committee recommending the arrest of Grant, &c. 194
13. Return of officers of second minute company in Amenia precinct, ... 195
14. Letter from Provincial Congress to committee of, transmitting resolutions of Continental Congress relative to raising of men from militia of, for occupation and defence of the fortifications at the Highlands, ... 198
15. Letter from chairman of Amenia precinct in, enclosing association signed by Josiah Morse and Andrew L. Harvey, Jr. 202
16. Letter from Egbert Benson, chairman of committee of, informing of the apprehension of Col. Brant, ... 202
17. Names and credentials of Deputies from attending second Provincial Congress, ... 205, 293
18. Letters from Egbert Benson, chairman of committee of, informing of appointment of corresponding committee in said county, and respecting the raising of troops in for defence of the fortifications at the Highlands, ... 207, 208
19. Resolution of Provincial Congress for confinement of Jacobus Oostrum, Johannes Medler and Barnt Lewis, in jail of, and provisions for support of, ... 208
20. Letter from committee of, respecting apprehension of sundry persons on a charge of aiding Peter Harris in enlisting men for the ministerial army, and requesting extension of authority of, in the citation of witnesses; resolution of Provincial Congress conferring such authority, ... 215
21. Letter from Jacobus Swartwout, chairman of committee at Fishkill, containing return of officers of Captain Stephen Brinckerhoff's company, ... 229
22. Letter from chairman of committee of, informing of the apprehension and confinement of Timothy Doughty, on charge of disaffection, ... 288
23. Letter from chairman of committee of, transmitting recommendation of officers for three companies in, for Continental service, ... 297
24. Return of election of officers of militia company in Poughkeepsie, ... 311
35. Letter from Zephaniah Platt, chairman of committee of Poughkeepsie, informing of the raising of three companies in, requesting information as to the destination of the several regiments to be raised for the Continental service, and recommending the appointment of a major in Colonel Sutherland's regiment 314
26. Return of election of officers in a minute company in Charlotte precinct, in, ... 320
27. Return of election of officers of company of militia in Rumbout precinct, ... 323
28. Return of election of officers of several companies in Colonel Jacobus Swartwout's regiment of minute men, ... 323
29. Return of election of officers of company of minute men in Beekman precinct, ... 331
30. Return of election of officers of 1st company of 1st regiment of militia, in, ... 353
31. Instructions to committee of, to permit the exportation of provisions from, to New-York, by Abraham Livingston, ... 376
32. Letter from chairman of committee of, respecting difficulty in raising troops, and suggesting an augmentation of wages; answer of Committee of Safety, ... 385
33. Letter from John Barnes, of Charlotte precinct, in, enclosing alterations in four companies of militia therein, ... 385
34. Return of officers of militia in Fredericsburgh 390
35. Letter from chairman of Rhinebeck committee, respecting the supply of provisions to Mordecai Lester and Fred. Klein, prisoners in the jail at Kingston, and order of Committee of Safety thereon, ... 415
36. Directions to committee of, for the apprehension and confinement of Thomas Gibson and Robert Hamilton, on charge of enlisting men for the ministerial service, ... 430

PAGE.

DUTCHESS COUNTY—CONTINUED.

37. Direction to committee of, for delivery of arms, taken from disaffected persons, to Lieut. Col. Livingston, for the use of Col. Clinton's regiment, ... 430
38. Names and credentials of Deputies from, to third Provincial Congress, ... 449
39. Letter from chairman of committee of, informing of the division of the southern regiment of militia in, and transmitting a description of the two regiments thereby formed, and list of persons nominated for field officers, ... 452, 453
40. Report of committee relative to lead mines in, ... 485
41. Application of chairman of committee of, for an armed force for the quieting and apprehending of disaffected persons in, ... 499
42. Report of committee thereon, and proceedings of Provincial Congress, ordering, ... 499, 500, 503
43. Appointment of Melancton Smith and John Durlin as captains of said companies, ... 503
44. Resolution of Provincial Congress, directing general committee of, to investigate charges against certain captains in Col. Luddington's regiment of militia, for refusing to permit drafts to be made out of their respective companies, for completing the brigade of militia to be raised in said county, ... 507
45. Resolution of Provincial Congress, recommending to the brigadier-general and committee of, to expedite the completion of the quota of militia directed to be raised in, and to forward their march, &c 507
46. Names and credentials of Deputies from, to third Provincial Congress, at White-Plains, ... 515
47. Resolution of Convention for stationing troops raised in, and Westchester counties, at Peekskill, ... 526
48. Appointment of field officers of regiments of militia in, ... 528
49. Appointment of field officers in Col. Henry Ludenton's regiment, ... 532, 533
50. General committee of, directed to cause the powder mill of John R. Livingston, with the stores and magazines attached, to be guarded, and to order Capt. Melancton Smith to detach a guard for that purpose, ... 551
(See Clinton, George.)
51. Militia of, ordered to be in readiness to march at a moment's warning, ... 601
52. Report of committee, respecting the expediency of calling out the militia of, ... 606
53. Requisition on Treasurer in favour of chairman of committee of Kingston, for the removal of the prisoners of war, to Morristown, in New-Jersey, and letter to committee respecting the sale of tea, ... 609
54. Resolution of Convention, directing committee of, to provide for the immediate raising of a detachment of militia of, for the reinforcement of the garrison at the Highlands, ... 651
55. Organization and officers of company in, for the detection and suppression of conspiracies, ... 666
56. Order for apprehension and commitment of Phinehas Ford, on charge of felony, ... 754
57. Resolutions of Convention, for compelling the disaffected portion of militia of, in Rhinebeck precinct, in Col. Graham's regiment, and of Cols. Field and Wm. Humphries' regiments, in Paulding's precinct, to march to the several posts previously directed by Convention, ... 757, 776
58. Letter from Nathan Pierce, chairman of committee of Paulding's precinct, informing of the number of disaffected in said precinct, add of the measures adopted for their suppression; resolutions of Committee of Safety thereon, 766, 767
(See Quakers, 1.)
59. Letter from Hugh Rea, chairman of committee of Northeast precinct, in, informing of the levy of fines from sundry persons refusing to march with the militia, ... 782
60. Resolutions of Committee of Safety thereon, ... 785, 786
61. Appointment of committee to inquire into the neglect of a portion of the militia of, to obey the orders of General Clinton, ... 901
62. Receipt from Gerard Bancker, vice-treasurer, to auditor-general, of pay rolls and other accounts of moneys paid to militia of, ... 902
63. Appointment of committee to quell an intended insurrection in the manor of Livingston, in, ... 909
64. Letter from Convention to Col. Robert Van Rensselaer, directing the marching of a body of troops to Harman Pest's at Roelof Jansen's kill, for the suppression of such insurrection, ... 909
65. Association of exempts in, ... 909, 910
66. Information by Capt. Delavan, relative to insurrections and disturbances in, and appointment of commissioners to quell; instructions to commissioners, ... 910, 911
67. Letter to Rhinebeck committee, ... 912
68. Appointment of Melancton Smith as sheriff of, and Henry Livingston, clerk, ... 912, 917
69. Appointment of judges of, ... 913, 917
70. Report of committee relative to insurrections and disturbances in, ... 919
71. Resolution of Convention, authorizing the sequestration of salted beef and pork in, ... 936
72. Letter to commissioners for detecting conspiracies, &c. in, re-

PAGE.

DUTCHESS COUNTY—CONTINUED.
specting the appointment of sub-committee in, appointed to superintend the removal of Thomas Fisher and family to New-York, ... 987
73. Resolutions of Council of Safety respecting exempts, &c. in, ... 1023

DUTCHER, CAPT. WILLIAM.
1. Authorized to raise a company of volunteers to serve in Col. Thomas's regiment, in Westchester county; subordinate officers of, ... 556, 557

DYCKMAN, SAMPSON.
1. Petition of, for compensation for injury to horse of, by messenger to Philadelphia, and appointment of committee to ascertain damage, ... 96

E.

EARLE, CAPT. TIMOTHY.
1. Appointment of, by Provincial Congress, as muster-master of the troops to be raised in Suffolk county, ... 70

EAST RIVER.
1. Plan for obstruction of, between the Battery and Nutten island, ... 575
2. Resolution of Convention authorizing, ... 577
3. Letter from Gen. Washington respecting, ... 578
4. Directions to Capt. Rutgers to assist in obstructing the navigation of, ... 593
5. Requisition on Treasurer in favour of Capt. Patrick Dennis, for payment for vessels furnished for the obstruction of, .. 705

ELECTIONS.
1. Directed to be held for choosing supervisors, assessors, collectors, and other town officers, in the several towns, manors, precincts and districts in the State, ... 818, 829
2. Proceedings of Convention in forming a Constitution, relative to, and mode of conducting, &c. 866, 867, 892
3. Sheriffs of the different counties directed to give notice of, for choice of Governor, Lieutenant-Governor, Senators and Members of Assembly, ... 937
4. Petition of field officers of the garrison at Fort Montgomery, for the appointment of commissioners to receive their votes at, and proceedings of Council of Safety thereon, 947, 948, 956, 957, 958
5. Official canvass and certificate of, for Governor, Lieutenant-Governor, Senators and Representatives, ... 990

ELIZABETHTOWN.
1. Committee of, furnish powder, on request of President of Provincial Congress, for use of army at Massachusetts Bay, ... 37
(See McCleod, William.)
(See New-Jersey.)
2. Letter to committee of, requesting delivery of certain articles purchased of Robert and John Murray, ... 99
3. Letter to committee of, communicating information from Gen. Washington, respecting the movements of the British troops, and requesting that militia be kept in readiness, 109, 110
4. Letter from committee of, transmitting a quantity of flour, .. 235
5. Letter from Provincial Congress to committee of, requesting the delivery of certain inhabitants of Richmond county, confined at, to the county committee of that county, ... 315
6. Answer of committee of, ... 323, 324
7. Letter to committee of, requesting their co-operation in the removal of the stock from Nassau and Staten islands, ... 511

ELLIS, ALEXANDER.
1. Exculpation of, from censure for furnishing boat to Lieut. Parks, for transporting him, with his baggage, to Niagara, ... 83

ELMENDORF, JONATHAN.
1. Appointment of, as major, in Ulster county militia, ... 135
2. Return of men, arms and ammunition, in the first regiment in Ulster county, signed by, as lieutenant-colonel, ... 1008

ELMENDORPH, PETRUS J.
1. Appointment of, as adjutant, in Ulster county militia, ... 135

ELPHINSTONE, WILLIAM. (See Petitions, 3.)
(See Prisoners, 18.)

EMBARGO. (See Massachusetts Bay, 24.)
(See Resolutions of Convention, 153, 155.)

ENGROSSING AND MONOPOLIES.)
(See Resolutions of Convention, 87, 109.)
(See Schuyler, Philip, 74.)
(See Provisions and Supplies, 22.)
(See Albany City and County, 73, 96.)

ENLISTMENTS.
1. Instructions of Provincial Congress to officers, relative to, .. 57

ENSIGNS. (See Tryon County, 12.)
(See Bussing, Abraham.)
(See Smith, Richard.)
(See Cornwell, Aspinwall.)
(See Vergereau, Peter.)
(See Holmes, Jonathan.)

ENUMERATION OF INHABITANTS.
1. Resolutions of Continental Congress, directing, ... 451
2. Letter from Provincial Congress to county committees, respecting, and form of return of, ... 458

PAGE.

ESCHEATED ESTATES AND PROPERTY.
(See Lloyd, Henry.)
(See Barclay, Thomas.)
(See Forfeited Estates.)

EVANS, ISRAEL.
1. Appointment of as chaplain to first regiment, ... 99

EXCHANGE OF PRISONERS.
1. Letter from Committee of Safety to Gen. Washington, relative to, ... 805
(See Prisoners, 14, 16, 17, 20.)

EXEMPTION. (See Flaxseed.)
1. Resolution of Convention exempting Charles Shaw from service in the militia, ... 589, 602
2. Resolution of Convention exempting Richard Morris, ... 654
3. do do Nehemiah Oakley, a cooper, ... 782
(See Sterling Iron Works.)

EXEMPTS. (See Dutchess County, 65, 73.)
1. Resolutions of Convention authorizing commutation, by, &c. 913, 914
(See Swartwout, Jacobus.)
(See Platt, Zephaniah.)

EXPORTATION OF PRODUCE AND PROVISIONS.
1. Resolutions of Continental Congress regulating, ... 252, 770
2. Permission to Nicholas Low, for, ... 387
3. Permission to Silas Deane and Barnabas Deane, of Connecticut, by committee of secrecy of Continental Congress, sanctioned by Committee of Safety, ... 396
4. Letter from Joseph Trumbull, commissary-general, to Provincial Congress, requesting prohibition of, ... 489
5. Resolutions of Provincial Congress thereon, ... 489
6. Resolutions of Continental Congress, prohibiting, ... 497
7. Resolutions of Convention of New-York, ... 537
(See Washington, George, 66.)
8. Resolutions of Convention, prohibiting the exportation from this State of unwrought hemp or hempen yarn, ... 900, 901
9. Resolution of Convention, prohibiting the exportation from this State of flour, by water, ... 975
10. Resolutions of Convention, prohibiting the exportation from this State of flour, meal and grain, ... 1077, 1078
11. Resolutions of Council of Safety, prescribing the terms on which flour and meal may be exported from this State, to the eastern States, ... 1084, 1085, 1089
12. Proceedings of Council of Safety in granting permits for, under such resolutions, 1086, 1087, 1088, 1089, 1094, 1104, 1109, 1111, 1112, 1116

F.

FALMOUTH.
1. Letter from Gen. Washington, transmitting information of the burning of, by the British, under the command of Capt. Mowatt, of ship Canceux, ... 191

FANNING, COL. PHINEAS.
1. Appointment of, by Provincial Congress, as muster master of troops to be raised in Suffolk county, ... 70
2. Directed to take command of detachment of militia sent by Gen. Wooster to the assistance of inhabitants of Long Island, for the prevention of taking off stock by the Kingston troops, for the use of the army at Boston, ... 103
3. Letter from, respecting situation of vessels at Garner's Island Point, ... 105

FASTING AND PRAYER.
1. Recommendation of Provincial Congress to observe day of, appointed by Continental Congress, ... 69
2. Resolution of Convention appointing a day for, and directing three sermons to be preached before Convention thereon, 554
3. Resolution of Continental Congress recommending the appointment of a day of, in each State, and a general reformation of manners, ... 770
4. Proclamation appointing of, by Committee of Safety, ... 817

FATIGUE MEN.
1. Committee for detecting conspiracies, &c. authorized to call out such portion of the militia of the State as they may think necessary to act as, ... 679

FAULKENHAM, SAMUEL.
1. Petition of, to be employed in making drums and fifes, ...

FANSHER, WILLIAM.
1. Appointment of, as captain of the Poundridge company of militia, ... 845

FERRIS, REUBEN,
1. Appointment of, as lieutenant-colonel of first regiment of Dutchess county militia, ... 528

FIELD, JOSEPH,
1. Appointment of, as lieutenant of a company in Dutchess county for the detection and suppression of conspiracies, . 666

FIELD OFFICERS.
1. Of the several New-York regiments, ... 62, 135
2. Of the militia of Tryon county, ... 139
3. Of the four New-York battalions in the Continental service, . 328
4. Of regiment of militia in Kings county, ... 351
5. do do in Ulster county, ... 528
6. do do in Dutchess county, ... 528

PAGE.

FIELD OFFICERS—CONTINUED.
7. Of regiment of militia in Westchester county, ... 528
8. do do in Orange county, ... 528
9. do do of Kings and Queens county, ... 568

FIELD PIECES. (See Artillery.)

FIFES. (See Faulkenham Samuel.)
(See Woolhaupter, David.)

FINK, ANDREW, JR.
1. Appointment of, as first lieutenant of Captain Christopher P. Yates' company of Tryon county militia, in place of Anthony Van Vechten, declined, ... 103

FIRELOCKS.
1. Resolutions of Continental Congress, relative to manufactory of, ... 202

FIREMEN. (See New-York City and County, 57.)
1. Exemption of, from drafts for the militia in the city of New-York, ... 496

FIRST REGIMENT—ALEXANDER MCDOUGALL, COL.
(See McDougall, Alexander.)
1. Field officers of, ... 62, 80
2. Provisions and tents directed to be provided for, ... 65
3. Col. authorized to fill vacancies in, below rank of captain, .. 65
4. Medicine chest to be furnished for, ... 66
5. Appointment of William Tapp as quarter-master, ... 66
6. Commissary directed to furnish sundry articles for armourer of, on requisition of colonel, ... 76
7. Appointment of Hunloch Woodruff, surgeon's mate, ... 85
8. Answer of Provincial Congress to queries of officers of, respecting allowance for clothing and arms, pay of troops, warrants and commissions of officers, ... 98
9. Appointment of Israel Evans as chaplain, ... 99
10. Appointment of Joseph Marvin, surgeon's mate, ... 128
11. Appointment of officers in second and third companies of, .. 214

FISHER, JOHN—SADDLER.
1. Petition of, ... 90

FISHKILL. (See Dutchess County.)
1. Appointment of Convention to, and meeting at, ... 600, 604
2. Adjournment from Episcopal to Dutch church in, on account of filthy condition of the former, ... 609
3. Resolution of Committee of Safety directing the removal of the Rev. Chauncey Graham, from the building formerly occupied as an academy in, and the preparation of said building for the occupation of a body of troops, ... 673
4. Resolution of Committee of Safety permitting said Graham temporarily to occuppy a portion of said building and to remove sashes, glasses, &c. 681, 694
5. Assistant quarter-master-general authorized to impress and take possession of out-building in, for securing the Continental stores, ... 687
6. Resolutions of Committee of Safety for providing a hospital in, for inoculation for the smallpox, ... 786
7. Directions for the removal of all infected persons within the district to such hospital, ... 794

FISH, NICHOLAS.
1. Appointment of, as brigade-major, in Gen. Scott's brigade, .. 502
(See Westchester County, 84.)

FIVE NATIONS OF INDIANS.
1. Proposal of a Congress with, ... 82
(See Six Nations.)

FLAX.
1. Resolution of Provincial Congress for the removal of, purchased by said Congress, from the city of New-York to Poughkeepsie, ... 510, 511
(See Flaxseed.)
2. Requisition on Treasurer in favour of Mr. Robert Harper, for carrying into effect resolution of Convention, concerning the manufacture of, ... 679

FLAXSEED.
1. Letter from Provincial Congress to Delegates in Continental Congress relative to the expediency of inhibiting the exportation of, ... 92
2. Memorial of Peter Clopper and others, merchants of the city of New-York; and resolutions of Provincial Congress respecting exportation of, ... 106
3. Letter from Committee of Safety to Continental Congress, respecting expediency of permitting exportation of, for the purchase of gunpowder, &c. 236, 237
(See New-York City and County, 102, 103.)
4. Resolution of Convention exempting certain persons engaged in erecting and carrying on a mill for, from military duty, 589
5. Letter from Committee of Safety to Continental Congress respecting the expediency of a prohibition of the exportion of, ... 723

FEMMING, EDWARD.
1. Appointment of, as lieutenant-colonel third regiment, ... 62
2. Letter from, declining, ... 63
3. Appointment of, as deputy adjutant-general with rank of colonel, ... 126
4. Directed to join General Schuyler at Ticonderoga, ... 126
5. Resignation of, ... 500

FLETCHER, SAMUEL. (See McCune, Wm.)

PAGE.

FLOUR. (See Provisions and Supplies.)
(See New-Jersey, 3.)
(See Hallett, Joseph, 2.)
(See Massachusetts Bay, 17.)
See Inspectors of Flour.)
(See Resolutions of Convention, 61, 63, 153, 155.)
(See Exportation of Provisions and Produce.

FLOYD, BENJAMIN, AND RICHARD.
(See Suffolk County, 14.)

FLOYD WILLIAM. (See Continental Congress.)
1. Requisition on Treasurer in favour of, for compensation as a Delegate in Congress, ... 905
2. Vote of thanks to, for his long and faithful services as Delegate in Continental Congress, ... 931

FONDA, MAJ. JELLIS. (See Tryon County, 1.)

FORD, CAPT. THOMAS.
(See Oakley, Phebe.)
(See Prisoners, 124, 125, 126.)

FOREMAN, WILLIAM.
1. Appointment of, as surgeon to Col. Morris Graham's regiment, ... 559

FORFEITED ESTATES.
(See Escheated Estates and Property.)
(See Murray, Sansom, & Co.)
1. Resolutions of Convention appointing commissioners for taking into possession and exposing to sale, the personal property of persons gone over to the enemy, ... 826, 827
(See Clopper, Cornelius.)
(See Tryon County, 28.)
(See Robinson, Beverly, 3.)
(See Commissioners of Sequestration.)
(See Confiscated Property.)
(See Ludlow, William H.)
(See Kittle, Andries.)

FORT EDWARD.
1. Letter from William Duer, respecting disturbances to courts of justice at, by parties of people from New-Hampshire Grants, ... 71
2. Letter from committee of Manchester, in Charlotte county, on the same subject, ... 72

FORT GEORGE
1. Letter from Col. Benjamin Hinman, respecting fortresses at, 74

FORTIFCATIONS.
1. For the defence of the city of New-York, at or near King's Bridge; resolutions of Continental Congress respecting, ... 16
2. Appointment of committee of Provincial Congress thereon, .. 20
3. Letter from Provincial Congress to Delegates in Continental Congress, relative to erection of fortifications at, ... 31
4. Report of committee on, ... 31
(See Hudson's River.)
(See Highlands.)

FOSTER, JOHN.
1. Permission to, to ship cargo of live stock to the West Indies, on his engagement to procure military stores from thence, on his return, ... 101

FOURTH REGIMENT.
1. Field officers of, ... 62, 99
(See Holmes, Col. James.)
(See Van Cortlandt, Lieut. Col. Philip.)
(See Sands, Edward, Surgeon's Mate.)
(See Wynkoop, Col. Cornelius D.)
(Graham George, Surgeon's Mate.)

FRANCE.
1. Letter from Pliarue, Penet & Co. merchants, of Nantes, in the Kingdom of, offering to supply the Committee of this State with cannon, muskets, powder, all kinds of military stores, and dry goods, ... 821
2. Letter from James Duane, a Delegate in Congress, respecting the progress of the negotiation with the court of, &c. 943

FRANKLIN, BENJAMIN.
(See Continental Congress, 48, 49.)
(See Philadelphia, 2, 3.)

FRENCH INTERPRETER.
1. Appointment of Rev. John Peter Testard, as, ... 67

FREY, JOHN. (See Tryon County, 15, 25.)

FRIENDS. (See Quakers.)

FRONTIERS.
1. Appointment of committee to take into consideration the propriety of raising and embodying an armed force for the protection of, ... 519
2. Report of committee, and resolutions for raising sundry corps of rangers in the northern and eastern counties of the State, and providing for the command, pay and subsistence of, ... 538, 539
(See Ulster County, 64.)
(See Orange County, 57)
3. Resolution of Council of Safety for raising two companies of of rangers for the protectron of, in Albany, Ulster and Tryon counties; appointment of officers, and instructions to, .. 1001
4. Letter to Maj. Gen. Schuyler thereon, ... 1002

PAGE.

FRONTIERS—CONTINUED.
5. Resolutions of Convention for the relief of the poor, on, ... 1033

FURNACE. (See Leonard, George.)

G.

GAGE, THOMAS.
1. Copy of intercepted letter from, at Boston, to Governor of North Carolina, communicated by committee of intelligence at Charleston, South Carolina, to Provincial Congress, ..56, 57
2. Copy of intercepted letter from Francis Stevens to, relative to removal of stores, &c. from New-York, ... 122
3. Information of recall of, and appointment of Gen. Howe to the command of the British forces in America, ... 170

GAINE, HUGH.
1. Appointment of committee to seize and secure all the printing types formerly belonging to, in the county of Dutchess, 793, 794

GANSEVOORT, COL. PETER, (3d Battalion.)
1. Requisition on Treasurer, for bounty money for the use of regiment of, ... 831
2. Letter from, to Col. Van Schaack, transmitting information of the presence of Col. Butler and Sir John Johnson at Oswego, and of their proceedings, ... 1024
3. Letter from, informing of the precipitate retreat of Gen. St. Leger, ... 1049

GARDINIER, DAVID.
1. Statement, affidavits, &c. of executors of, relative to loss of estate of, by depredations of Gen. Gage's fleet and army, and sundry owners of estates in Massachusetts Bay, and praying that Provincial Congress would request remuneration from House of Representatives in that Colony, ... 112
2. Appointment of committee thereon, ... 113
3. Letter from Provincial Congress to House of Representatives of Massachusetts, enclosing petition, &c. 118

GARDINER ISLAND. (See Wickham, Thomas.)
(See Suffolk County, 12, 13, 16, 17, 18, 21.)
(See Gardiner, David.)
(See Lawrence, Melancton.)

GATES, HORATIO.
1. Appointment of, by Continental Congress, as adjutant-general, with rank as brigadier, ... 63
2. Letter from Convention to, requesting a full statement of the military operations of, and of the strength and designs of Gen. Burgoyne; and instructions of Convention to the bearers of such letter, as to the proper information desirable to be obtained, ... 538
3. Letter from Jacob Cuyler and Leonard Gansevoort, commissioners sent to northern army under the command of, communicating a statement of the condition and operations of the troops at Ticonderoga and Crown-Point, ... 574, 575
4. Letter from William Duer, to, informing of the movements of Brig. Gen. Clinton, and of the Continental army, ... 750, 751
5. Directed to take command of the northern army, ... 1035
6. Letters from Council of Safety to, transmitting resolutions authorizing a full pardon to all such persons as, since the evacuation of Ticonderoga, have joined Gen. Burgoyne, and who may return to their allegiance 1057, 1058

GENERAL ASSEMBLY.
1. Letter from Committee of Safety to county committees, relative to election of Delegates in, ... 236

GENERAL ASSOCIATION.
1. Agreed to and subscribed by the freeholders, freemen and inhabitants of the city and county of New-York, ... 5
2. Recommended to the several counties, towns and districts of the Colony, ... 15, 18
3. Signed by Members of Provincial Congress, ... 15
4. Resolution of Provincial Congress, declaring attempts to raise tumults, riots, or mobs, under colour of dubious interpretation of recommendations or resolutions of the Continental or Provincial Congress, or otherwise, an infraction of, ... 33
(See Rivington, James, 2.)
6. Signed by inhabitants of East Hampton, ... 50
(See South Carolina.)
7. Signed by inhabitants of Islip, ... 68
8. do do of Amenia precinct, ... 108
9. Arms in the possession of persons not signing, to be impressed and appraised, ... 149, 150
10. Of inhabitants of Townshend, Cumberland county, ... 228
11. Of Deputies and inhabitants of Richmond county, ... 310
12. Form of, prescribed by Provincial Congress, and recommended to the several county and town committees, &c. 500, 501
(See Prisoners, 96.)

GENERAL OFFICERS.
1. Letter from Delegates in Continental Congress, respecting appointment of, for New-York Province, ... 30
2. Resolution recommending the appointment of Colonel Philip Schuyler, as a major-general, and Richard Montgomery, as a brigadier-general, ... 31
3. Answer of Provincial Congress to Delegates in Continental Congress, respecting the qualifications necessary for general officers, and recommending as above, ...32, 33
4. List of, appointed by Continental Congress, ... 63
viz:
George Washington, General and Commander-in-Chief.

PAGE.

GENERAL OFFICERS—CONTINUED.
Artemas Ward 1st major-general.
Charles Lee, 2d do
Philip Schuyler, 3d do
Israel Putnam, 4th do
Seth Pomeroy, 1st brigadier-general.
Richard Montgomerie, 2d do
David Wooster, 3d do
William Heath, 4th do
Joseph Spencer, 5th do
John Thomas, 6th do
John Sullivan, 7th do
Nathaniel Greene, 8th do
Horatio Gates, adjutant-general, with rank as brigadier.
5. Resolution of Provincial Congress for giving a public dinner to, ... 491
6. Report of council of, communicated to Provincial Congress by Gen. Washington, on the subject of the removal of stock from Nassau and Staten islands, and the most proper measures to be pursued in relation to disaffected persons, ... 509
7. Report of council of, held at Fort Edward, relative to the expediency of dismissing any portion of the militia, ... 1012

GERMAN FLATTS.
1. Speeches of Oneida and Tuscarora Indians and inhabitants of Albany and Tryon counties, at, transmitted to Provincial Congress, ... 95

GIBSON, JOHN, (Auditor-General.)
1. Letter from, transmitting resolutions of Congress relative to accounts for the recruiting service, ... 945

GLOUCESTER COUNTY.
1. Letter from Provincial Congress to Jacob Bayley, and John Tappen, Esqs. Newbury, ... 21
2. Letter from Jacob Bayley to Provincial Congress, communicating intelligence respecting the dispositions of the French and Indians in Canada, and recommending the raising of troops; and answer of Committee of Safety, . 82, 83
3. Letter from John Taplin, one of the judges of the court of common pleas, in, ... 95
4. Certificate of election of field and staff officers for the militia in, ... 498
5. Names and credentials of Deputies to Convention, from, ... 548
(See Militia, 25.)
(See Bayley, Jacob.)
6. Report of committee relative to condition of, ... 775, 776
7. Preamble and resolutions of Committee of Safety thereon; and letter to Continental Congress requesting the recall of the commissions granted to Col. Seth Warner and his officers, ... 777, 778, 779
8. Letter from Committee of Safety to Continental Congress, relative to disaffected in, ... 820, 821
9. Instruction to delegation in Congress relative to claim of, to representation therein, ... 869
10. Appointment of Nathaniel Merrill as sheriff of, ... 913
(See Resolutions of Convention, 137.)
11. Letter from Brig. Gen. Bayley, respecting elections in, and prospects of a separation from the State, ... 976

GODDARD, WILLIAM. (See Post-Office.)

GODWIN, HENRY.
1. Appointment of as quarter-master in regiment of minute men in Dutchess county, ... 135

GOSHEN. (See Orange County, 3, 11.)

GOUVERNEUR, ISAAC.
1. Present from, of a pair of nine pound cannon; letter of Provincial Congress accepting, and disposition of, ... 186

GOVERNMENT. (See Constitution.)
1. Appointment of committee by Provincial Congress, to take into consideration the propriety of composing and erecting a form of, ... 460
2. Report of committee and proceedings thereon, . 462, 463, 468, 469
3. Appointment of committee by Convention for preparing and reporting a plan for instituting and framing a form of; and a bill of rights, ... 552
(See Cumberland County, 25.)
4. Letter from Gilbert Livingston and Christopher Tappen, commissioners for building vessels at Poughkeepsie, respecting, ... 590
5. Proceedings of Convention, on report of committee, for instituting form of, 834, 836, 842, 943, 844, 845, 846, 851, 852, 853, 857, 860, 861, 862, 866, 867, 868, 869, 870, 871, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 884, 885, 886, 887, 889, 890, 891, 892.
6. Constitution or plan of, as finally agreed to, ... 892 to 898
7. Appointment of committee to prepare and report a plan for organizing and establishing such government, ... 898
8. Proceedings of Convention on report of, ... 907, 910, 912, 913, 916
9. Report of plan of, as agreed to, ... 916, 917, 918

GOVERNOR.
1. Proceedings of Convention relative to powers assigned to by the Constitution, ... 834, 835
2. Official canvass and certificate of votes for; election of Gen. George Clinton; letter to, announcing the result, and answer of Gov. Clinton, ... 990, 993
3. Oath of office administered to, and proclamation of Council of Safety thereof, ... 1021, 1022

PAGE.

GOVERNOR—CONTINUED.

4. Message from, relative to the condition of affairs in the northern department, transmitting letter to, from General Washington, ... 1022
5. Letter from, relative to the prorogation of the Legislature; answer of Council of Safety, ... 1027
6. Proclamation of proroguing the Legislature, ... 1017, 1028
7. Orders of, for a detachment of lighthorse, for the more speedy conveyance of public despatches, ... 1029

(See Clinton, George.)

GRAHAM, GEORGE.

1. Appointment of, as surgeon's mate to fourth regiment of Continental troops, ... 429

GRAHAM, LIEUT. COL. LEWIS.

1. Appointment of, as commissary pro. tem. of Col. Drake's regiment, ... 302
2. Letter from, informing of the refusal of the quarter-master of Col. Drake's regiment to serve, and recommending Mr. James Cock for that office; order of Provincial Congress thereon, ... 334
3. Appointment of, as judge of the high court of admiralty, and commission granted to, ... 556, 566

GRAHAM, MORRIS.

1. Appointment of as colonel of second regiment of Dutchess county militia, ... 528
2. Rank roll of regiment of, ... 658
3. Resolutions of Convention for compelling the disaffected portion of regiment of, to march in compliance with directions, ... 757
4. Letter from, informing of the landing of a party of the enemy's troops in the Sound, and of their march to Danbury, and the destruction of the Continental stores there; directed to march to the Highlands, ... 903

GREAT BRITAIN.

1. Resolution offered by Mr. Kissam, respecting terms of reconciliation with, and committee appointed to report plan of, 20, 26
2. Letter from Provincial Congress to Delegates in Continental Congress respecting policy of, in relation to Indians on the frontiers, ... 32
3. Resolutions of Provincial Congress, respecting removal of military stores belonging to, from Turtle Bay; and appointing committee to direct disposition, &c. of those engaged in such removal; report of committee, and permission to coopers to repair, &c. ... 35, 37

(See Turtle Bay.)

4. Resolutions of Provincial Congress for the restoration of arms and military accoutrements taken from troops of, on their embarkation from New-York, ... 37, 38
5. Information given Provincial Congress respecting movements and designs of, ... 42, 45
6. Letter to Gen. Wooster communicating, ... 45, 46
7. Letter to Delegates in Continental Congress, ... 46
8. Proceedings on coming in of report of committee to devise plan of accommodation with, ... 50, 52, 53, 54, 58
9. Report as amended and adopted, ... 58
10. Letter to Delegates in Continental Congress, communicating, and answer of, ... 59, 73
11. Appointment of committee to send for locksmiths from, ... 67
12. Appointment and report of committee, and letter to General Wooster, relative to alleged detention as prisoners of part of boat's crew of the ship Asia, and subsequent destruction of such boat, and the breaking open of British store house, and house of Francis Stevens, and order of Committee of Safety thereon, ... 77, 78
13. Resolution of Committee of Safety approving of the conduct of Doctor Samuel Bard, in his attendance upon sick mariners from His Majesty's ships, ... 77
14. Resolutions of Provincial Congress relative to destruction of barge belonging to ship Asia, ... 97, 98, 102
15. Information communicated to Provincial Congress of embarkation of Hanoverian and troops from, for Boston, as a reinforcement to Gen. Gage, &c. ... 162
16. Information of movement of fleet of, from Boston, and of the recall of Gen. Gage, and appointment of Gen. Howe, his successor, &c. ... 170, 172, 173
17. Notes of examination of Capt. John Lawrence, relative to movements of fleet and armies of, ... 171
18. Resolutions of Continental Congress for ascertaining hostilities committed by troops and navy of, in America, and proceedings of Provincial Congress thereon, ... 187
19. Resolutions of Provincial Congress relative to the origin and progress of the controversy with, and expressing the continued loyalty of the Colony, and the desire of the inhabitants for a mutual arrangement of subsisting difficulties on just principles, ... 210, 211, 217, 218, 219
20. Resolutions of Provincial Congress for purchase and distribution of obnoxious acts of Parliament of, ... 225
21. Information communicated from Gen. Washington, of reported embarkation of troops of, from Boston, ... 231, 277
22. Introduction to copies of petition of Continental Congress to King of, the address of the lord mayor and livery of London to the electors of, and speech of Earl of Chatham intended for publication, ... 241
23. Resolutions of Continental Congress relative to capture and forfeiture of ships and vessels of, ... 250, 251

PAGE.

GREAT BRITAIN—CONTINUED.

24. Arrival of General Clinton, and transports with British troops on board, in the harbour of New-York, and proceedings of Committee of Safety thereon, ... 282, 283
25. Information of, proceedings in, communicated to Provincial Congress by Niles Christain, chief mate of ship Harriet, from Boston, ... 329
26. Information of the probable removal of troops of, from Boston, communicated to Provincial Congress, ... 335, 336
27. Letter from John Hancock, President of Continental Congress, to Provincial Congress, giving advice of the approach of a British fleet and army under command of Gen. Howe, ... 493
28. Letter from Lieut. Davidson on board the armed sloop Schuyler, informing of the sailing of fleet of, with Gen. Howe, from Halifax to New-York, ... 509
29. Letter from Peter T. Curtenius, informing of the landing of troops at Staten Island, without opposition, and of the advancement of detachments towards Bergen Point and Elizabethtown, ... 517
30. Information communicated to Convention of the passing of three ships of war of, beyond King's Bridge, up the Hudson river; proceedings of Convention thereon, ... 522
31. Information communicated to Convention of their advancement towards the Highlands, ... 525
31. Arrival of troops of, under Gen. Clinton, and of Hessians and Highlands, under Lord Howe at Staten Island, ... 562
32. Arrival of General Burgoyne, at Crown-Point and Ticonderoga, ... 569
33. Letter from Brig. Gen. William Livingston, of New-Jersey, communicating information of an intended attack by troops of, on Bergen Point, Elizabethtown and Amboy, ... 585
34. Landing of troops at Nassau island, ... 589
35. Examination of Colonel Covenhoven, a prisoner taken by the troops of, ... 589
36. Examination of Daniel Redfield, relative to ships of, &c. ... 601
37. Examination of John Woolley, ... 609
38. Information of the landing of troops of, at Verplanck's Point; their progress up Hudson's river, and landing at Peekskill, ... 847
39. Information of the landing of troops on the Sound; march to Danbury and destruction of the Continental stores there, ... 903
40. Arrival of troops of, at Horse Neck, ... 909
41. Letter from Council of Safety to Delegates in Congress, respecting the publication in this country and Europe of the report of a committee of Congress relative to the treatment of prisoners by, ... 947

(See Burgoyne.)

42. Letter from General Washington and Putnam, informing of the sailing of the fleet from the Delaware Capes, to the eastward, ... 1027
43. Disposition of John Brown and Caleb Trask, prisoners taken from, relative to the proceedings and movement of troops of, ... 1047

GREAT SEAL.

1. Appointment of committee to prepare a proper device for, ... 882

GREENE, NATHANIEL.

1. Appointment of, by Continental Congress as brigadier-general, ... 63
2. Letter from, transmitting as a prisoner John Livingston, Jr. of Queens county, and informing of the unfriendly disposition of the inhabitants of that county; answer of Provincial Congress, ... 480
3. Letter from, requesting permission for the inoculation of his brother Jacob Greene; and also for permission to him to purchase some guns suitable for a privateer; answer of Provincial Congress, ... 494, 495, 496
4. Letter to, respecting disposition of a horse in the possession of, taken from Jacob Wyckoff, a tory on Long Island, ... 679
5. Conference with respecting the defence of the posts at the Highlands, and the appointment of an officer in command thereof, &c. ... 832
6. Letters from, respecting the obstruction of the navigation of Hudson's river, ... 938

GREEN MOUNTAIN BOYS.

1. Resolution of Continental Congress relative to employment of, under officers of their own choosing, ... 63
3. Order of Provincial Congress thereon, ... 65
3. Proceedings of committees of the several townships of the New-Hampshire Grants, west of Green Mountain Range, choosing Seth Warner lieutenant-colonel, Samuel Safford major, and seven captains, and fourteen lieutenants; letter from chairman to Gen. Schuyler; answer of Gen. Schuyler, and proceedings of Provincial Congress thereon, ... 107
4. Uniform of, and tents, &c. for, ... 107

(See Schuyler, Philip, 24.)

5. Appointment of officers of regiment of, ... 130
6. Report of committee relative to arguments used by, to induce the inhabitants of Cumberland and Gloucester counties to disavow the authority of this State, and unite with them in forming a new and separate State, ... 775, 776
7. Preamble and resolutions of Committee of Safety, and letter to Continental Congress thereon, ... 777, 778, 779

PAGE.

GRENADIERS.
1. For formation and officers of company of Col. Levi Pauling's regiment of, in Marbletown, Ulster county, ... 373, 376
(See Westchester County, 53.)

GRENNEL, CAPT. JOHN.
1. Letter from, recommending appointment of subaltern officers under; and answer of Committee of Safety, ... 78, 79
2. Requisition on Treasurer in favour of, ... 174
3. Company of, ordered to repair to the defence of the fortifications at the Highlands, ... 194
4. Recommended by Provincial Congress as captain of a company of matrosses, ... 207
5. Resolution for advance of money to, on account, ... 247, 248
6. Appointment of, as captain of an artillery company, ... 262
7. Appointment of officers in company of, ... 365
8. Resignation of, ... 392
(See Continental Frigates.)

GRIFFIN, DANIEL, CAPT.
1. Muster roll of, ... 91
2. Provision for aid to, on his way to Ticonderoga, ... 155, 156

GRIFFITH, ANTHONY.
1. Appointment of, as second lieutenant of Captain Anthony Rutgers artillery company in the city of New-York, ... 66
2. Appointment of, as commissary to purchase stores for cannon, of artillery companies, ... 195
3. Requisition on Treasurer, for disbursements of, &c. 440

GRIFFITHS, JOHN. (See Lead Mines, 1.)

GRIGG, JAMES.
1. Appointment of as second lieutenant in Captain Nicholson's company, ... 99

GUN BARRELS.
1. Consultation with Henry Watkeys and Robert Boyd, respecting forging and making muskets, and order and resolution thereon, ... 30, 41, 55
(See Boyd, Robert.)
(See Watkeys, Henry.)
1. Consultation with blacksmiths of New-York, respecting the making of, &c. 67

GUN LOCKS.
1. Authority to contract for, ... 67
2. Appointment of committee to send to Great Britain for locksmiths for making, ... 67
3. Agreement with Thomas Blockley, for importation of, ... 80

GUNPOWDER. (See Powder.)

H.

HAINES, GODFREY. (See Westchester County, 13, 14.)

HALLETT, JOSEPH.
1. Order for payment of money to, ... 102
2 do do for discharge of debts accrued in the purchase of flour, for use of the army at Cambridge, ... 116, 122
3. Contract with, for importation of gunpowder, arms, and saltpetre, ... 129
4. Information from, respecting accounts of, ... 191
5. Order of Provincial Congress thereon, ... 182
6. Order for payment of certain bills of exchange, drawn on Col. Robinson, ... 192
7. Letter from, transmitting accounts of, ... 237
8. Letter from, respecting the price of grape shot, ... 307
9. Directed to contract for, with Mr. Ogden, ... 307
10. Passport to, permitting to pass and repass between New-York and Newark, in New-Jersey, ... 556
11. Directed to take measures for the condemnation and sale of vessels and goods brought in by Captain Rogers, ... 630

HALSEY, STEPHEN.
1. Appointment of, as surgeon, in Col. Samuel Drake's regiment, ... 349
1. Recommended by Col. McDougall for captain of a company of artillery, ... 321
2. Company of, directed to guard the Colonial records, ... 396
3. Resolution of Provincial Congress for the allowance to company of, the same pay as the Continental artillery, ... 462
4. Resolution of Provincial Congress recognizing company of, as part of the quota of militia to be raised in the city of New-York, by order of Continental Congress, ... 497, 564
5. Incorporation of company of, into Gen. Scott's brigade, ... 564
6. Letter from, informing of a vacancy in the office of first lieutenant in his company, and recommending the promotion of the inferior officers, ... 573
7. Resolution of Convention authorizing artillery company lately commanded by, to enlist in the Continental service, ... 838
8. Letter from, relative to exchange of Major Edmondston, ... 883
9. Letter from, giving an account of the attack of the enemy on the American troops, commanded by Gen. Lincoln, at Bound Brook, and informing of the arrival of the enemy's vessel into the Delaware, and the attack of a vessel from France, ... 885

PAGE.

HAMMOND, LIEUT. COL. JAMES.
(See Westchester County, 62, 63.)
1. Letter from, to Convention, informing that the British ships of war have left the harbour at Tarry Town, and are sailing up the river with a fair wind, towards the Highlands, ... 526
2. Letter from, to Convention, relative to the conditon of his regiment, ... 528, 529
3. Investigation of complaint against, for neglect of duty, and acquittal, ... 532, 540
4. Appointed lieutenant-colonel of the militia of Westchester county, drafted into actual service under Colonel Thomas Thomas, ... 552
(See Westchester County, 84.)
5. Requisition on Treasurer in favour of, for payment of the militia under his command, ... 913

HAMPTON, JONATHAN. (See Ustick, William.)

HANSON, CAPT. JOHN.
1. Directed by Continental Congress to take temporary command of the fortifications at the Highlands, ... 197

HARDENBERGH, JOHANNES.
1. Appointment of, as colonel of Ulster county militia, ... 135
2. Appointment of, as lieutenant-colonel of Continental regiment of militia in, ... 489
3. Letter from Committee of Safety to, directing to secure the arms belonging to battalion of, ... 720

HARDENBURGH, CORNELIUS.
1. Appointment of as captain in Col. Ritzema's regiment, ... 405

HARLEM.
1. Adjournment of Convention to, ... 548
2. Order for removal of treasury to, ... 585

HARPER, JOHN. (See Onehoghquaga Indians.)
1. Deposition of, respecting an interview between Joseph Brandt and his warriors, and Gen. Herkimer, at Unadilla, ... 996
2. Appointment of, and instructions to, as captain of corps of rangers raised in Albany, Ulster, and Tryon counties, for the protection of the frontiers, ... 1001
3. Letter from, relative to his proceedings at Harpersfield, ... 1051
4. Answer of Council of Safety, ... 1053
5. Report of committee and resolutions of Convention relative to accounts of for disbursements for lighthorsemen in Tryon county, ... 1115

HARRIS, DANIEL.
1. Resolution of Convention for payment to, for a horse killed in the public service, ... 847

HASBROUCK, ABRAHAM.
1. Appointment of, as lieutenant-colonel, Ulster county militia, .. 135
2. Letter from, transmitting returns of election of officers of the several companies of militia in regiment of, ... 170
(See Ulster County, 35.)

HASBROUCK, ABRAHAM A.
1. Appointment of, as quarter-master, Ulster county militia, ... 135

HASBROUCK, COL. JONATHAN.
1. Letter from, appointing place of rendezvous for regiment of, ... 238
2. Letter from, containing statement of regiment of, ... 393

HASBROUCK, CAPT. ELIAS.
(See Jansen, Cornelius T. 1.)
(See Roggin, Petrus, 1.)
1. Letter from chairman of committee of Kingston, and General Schuyler, recommending appointment of 351
2. Requisition on Treasurer of, for pay, billeting and subsistence of company of, ... 696
3. Requisition on Treasurer in favour of, for pay and subsistence of company of rangers, ... 801
4. Resolution of Convention, pardoning and discharging deserters from company of, on their returning the bounty and foregoing the payment and subsistence due them, ... 892
5. Directed to transport a quantity of salt purchased for the use of this State, from Canaan, in Connecticut, and requisition on Treasurer for expenses of, ... 1036

HASBROUCK, JOSEPH.
1. Appointment of, as major, Ulster county militia, ... 135

HAVERSTRAW. (See Orange County, 2, 14.)

HAVILAND, EBENEZER.
1. Appointment of, as surgeon, ... 62, 101
2. Certificate of examination of, ... 101
3. Attached to Col. Wynkoop's regiment, ... 424

HAY.
1. Resolution of Council of Safety, directing the purchase of a quantity of, for the use of the Legislature, ... 1005
2. Appointment of Moses Smith as commissary of, and directions to for distribution of, ... 1105

HAY, COL. A. HAWKES.
1. Letter from, to Committee of Safety, respecting forwarding regiment of, to New-York, and answer of Committee, ... 384
2. Appointment of, as commissary for the militia northward of King's Bridge, while in service on the west side of Hudson's river, below the Highlands, under the command of Gen. Clinton, and instructions to, ... 568
3. Letter to, transmitting resolutions of Committee of Safety,

Hamilton-Oct 47

PAGE.

HAY COL. A. HAWKES—CONTINUED.

for a reinforcement of militia from the northern part of Orange county, ... 672
4. Letter from, giving an account of the state of his regiment, and of the motions of the enemy's ships; and directions to, to drive the stock, on the banks of Hudson's river into the interior, ... 679

HAZARD, EBENEZER.

1. Petition of, for establishment of post-office, and appointment as postmaster, and committee thereon, ... 44
2. Recommendation of and appointment of, by Provincial Congress, ... 90
3. Letter from, respecting eastern post riders, ... 156
4. Letter from, respecting conduct of the keeper of the ferry across North river, and proceedings of Provincial Congress thereon, ... 191
5. Directed to remove post office from the city of New-York, to some convenient place near Dobb's ferry, in Westchester county, ... 602
6. Requested to direct a weekly post between Albany and New-York, on the east side of Hudson's river, ... 604
7. Letters from, respecting the establishment of such post, and answer of Committee of Safety, ... 619, 622
8. Directed to forward newspapers from Pennsylvania, New-Jersey, Connecticut and Massachusetts, for use of Convention and Committee of Safety, ... 689

HEATH, WILLIAM.

1. Appointment of, by Continental Congress, as brigadier-general, ... 63
2. Requisition on Treasurer in favour of, ... 394
3. Letter from, respecting the propriety and expediency of a continuation in service of the several regiments of Gen. Scott's brigade, ... 719
4. Answer of Committee of Safety, ... 724
5. Letter from Committee of Safety to, directing the apprehension and detention of Capt. Ford, of Col. Bevier's regiment, on charge of robbery and plunder of effects of Phebe Oakley, ... 732, 733
6. Letter from Convention to, requesting the employment of Maj. Taylor, of the quarter-master-general's department, for the purchase and collection of necessaries for the obstruction of the navigation of Hudson's river, ... 737
7. Letter from Committee of Safety to, ... 743
8. Requested to co-operate with Gen. George Clinton, in defending the passess at the Highlands, ... 746
9. Letter from, informing of the arrival of a flag, accompanying a number of letters; catalogue of such letters; disposition of, ... 748, 749
10. Letter from, informing of order to go over with his division to the west side of Hudson's river; resolutions of Committee of Safety thereon, and letters to Gen. Washington, requesting the countermanding of orders to, ... 748
11. Letter from, relative to the disposition of certain fieldpieces at Peekskill, ... 755
12. Letter from Committee of Safety to, informing him of the state of the forts at the Highlands, ... 759
13. Answer of Gen. Heath, and reply of Committee of Safety ... 760
14. Reply of Gen. Heath, ... 764
15. Letter from, informing of proceedings, &c. of, ... 766
16. Letter from, relative to permission for Lady Johnson, Mrs. Wilkinson and Mrs. Cuyler, with their families and effects, to pass to New-York, ... 769
17. Letter from William Duer, chairman of committee of Convention, relative to proceedings of, in Westchester county, 808, 809

HEMPSEED.

1. Resolution of Convention for the purchase of a quantity of, and encouraging the raising of, ... 849, 900
2. Requisition on Treasurer in favour of Gouverneur Morris, for a quantity of, purchased by order of Convention, ... 899, 901
3. Resolution of Convention prohibiting the exportation from this State of unwrought hemp, or hempen yarn, ... 900, 901
4. Auditing of accounts of Samuel Ogden, for, ... 961
5. Resolution relative to the publication of the proper time for sowing, ... 964

HENNING, PHILIP.

1. Petition of, for appointment as surgeon's mate; order for examination of, ... 85
2. Report against, ... 90

HENRY, JOHN.

1. Appointment of, as commissary, &c. of clothing store ... 807
2. Letter from, relative to perquisites of his office: and resolutions of Convention refusing the allowance of, ... 857
3. Requisitions on Treasurer in favour of, for supply of clothing to troops, ... 873, 1015
4. Resolution of Convention and letter to, respecting the disposition of blankets, &c. ... 873
5. Letter to commissioners for detecting, &c. conspiracies, desiring them to permit the departure of, to New-York, until the settlement of his accounts with the State, ... 880
6. Letters from, relative to clothing of the troops, ... 934, 964
7. Peremptory order of Council of Safety to, to account for clothing received and delivered by him, ... 1097

PAGE.

HERKIMER, NICHOLAS.
(See Tryon County, 10.)

1. Appointed brigadier-general of the militia of Tryon county, 610
2. Letter from, and others, committee of Tryon county, relative to the imposition and collection of a fine upon John Reimen Snyder, son of Henry Reimen Snyder, for refusal to serve as a corporal in Captain John Kayser's company of militia, in Col. Jacob Klock's battalion, ... 797, 798
3. Interview of, at Unadilla, with Joseph Brant, ... 996, 997
4. Letter from Gov. Clinton, informing of the death of, ... 1048

HERRICK, CAPT. RUFUS.

1. Letter from, informing that his company is ready, &c, ... 89
2. Muster roll of, returned and filed, ... 112

HERRING, NICHOLAS.

1. Appointment and report of committee to, as certain damage done to land of, by troops of General Wooster encamped thereon, ... 93

HERRING, PETER.

1. Letter from General Wooster to Committee of Safety, respecting, and order of said committee thereon, ... 75

HATFIELD, MOSES.

1. Appointment of, as major of Continental regiment of militia in Orange county, ... 489

HEWES, JOSEPH.

1. Letter from, and William Harper, respecting proceedings and designs of Gov. Martin of North Carolina; and answer of Committee of Safety, ... 73

HIDES AND LEATHER.
(See Resolutions of Convention, 56.)

1. Requisition on Treasurer in favour of Stephen Ward, Esq. on account of the purchase of, for the use of State, ... 749
2. Letter from Council of Safety to George Ewing, commissary-general of, respecting contracts for the manufacture of, 1101, 1102
3. Letter from Council of Safety to Delegates in Congress, ... 1102

HIGHLANDERS. (See Stewart, James.)

HIGHLANDS.

1. Resolutions of the Continental Congress respecting the erection of batteries at, on each side of the Hudson river, for the prevention of navigation, and for the appointment of proper persons to designate the most suitable place therefor, ... 16
2. Appointment of committee thereon, by Provincial Congress, 20
3. Report thereon, ... 38, 40
4. Fortifications at, directed, and commissioners appointed to superintend erection of, and to procure cannon and other stores for defence of, including the cannon on the battery at the city of New-York; appropriation for, 110, 113, 114, 128, 139
5. Col. Lasher directed to furnish guard to proceed from New-York to, when requested by commissioners, ... 127
6. Appointment of John Berrien as commissary for agents for building fortifications at, ... 130
7. Letter from commissioners, requesting instructions as to the plan and expense of fortifications, and a conference recommended with engineer from Philadelphia, &c. ... 141
8. Gen. Wooster requested to furnish a company of troops for defence of, ... 146
9. Correspondence with Gen. Wooster thereon, ... 149, 151
10. Estimate of B. Romans of expense of erecting fortifications at, ... 152
11. Letter to Continental Congress, covering plans and estimates of fortifications at, and copies of correspondence with Gen. Wooster, ... 153
12. Letter to Beverly Robinson, requesting him to put a price upon land of, taken for the erection of fortifications at, opposite West-Point; answer of, ... 152, 169
13. Order for employment of labourers at, and for mounting of carriage guns, &c. ... 158
14. Letter from Samuel Bayard, William Bedlow and John Hanson, respecting plan and erection of fortifications; giving information of close examination of, by Gov. Tryon and others; and suggesting the necessity of an efficient guard, 158, 159
15. Proposals of Bernard Romans for erecting the fortifications at, and answer of Committee of Safety, ... 159, 160, 161
16. Letter to agents for erecting fortifications, respecting employment of, &c. ... 161
17. Resolutions of Continental Congress, recommending the erection of fortifiations, at, ... 172
18. Gen. Wooster ordered to forward a portion of his troops for the defence of fortifications at, ... 171
19. Letter from Provincial Congress to commissioners for erecting fortifications at, ... 174
20. Letter from commissary, respecting expenditures on fortifications at, and requesting further supplies, ... 174
21. Order of Provincial Congress therefor, ... 174
22. Letter from B. Romans, respecting his appointment as engineer at, ... 174
23. Resolutions of Provincial Congress, directing commissioners for the erection of fortifications at, to inquire into the practicability of a further obstruction of Hudson's river, ... 177
24. Letter to Continental Congress, respecting erection and defence of fortifications at, ... 177

PAGE.

HIGHLANDS—CONTINUED.

25. Letter from John Hanson, one of the commissioners for erecting fortifications at, requesting the appointment of some other person in his place, ... 178
26. Letter from Provincial Congress to commissioners for the erection of fortifications at, discountenancing the requirement of certain punctilio, in vessels passing such fortifications, ... 178
27. Letter from commissioners for the erection of fortifications at, complaining of ill treatment from Robert North, master of a sloop from Poughkeepsie, ... 179
28. Letter from commissioners enclosing remarks of B. Romans, engineer, relative to plans for obstruction of the navigation of the Hudson, ... 179, 180
29. Letter from John Hanson, one of the commissioners, respecting charges against, by Robert North, and declining further service, ... 180
30. Instructions to superintendents at the fortifications at, respecting vessels passing the said fortifications, ... 180
31. Letter from John Berrien, one of the commissioners respecting supplies of money to workmen; and order of Provincial Congress thereupon, ... 181, 182
32. Appointment of Jonathan Lawrence as one of the commissioners to superintend the erection of fortifications at, in the place of John Hanson, resigned, ... 183
33. Examination of Samuel Patridge, respecting information communicated to him by Isaac Garrison, of the expense, &c. of carting timber, &c. at, ... 183
34. Letter to Continental Congress respecting the employment of Bernard Romans, as engineer at, ... 186
35. Cannon presented by Isaac Gouverneur, of Curacoa, directed to be sent to, ... 186
36. Resolution of Continental Congress for raising a company of matrosses for defence of fortifications at, ... 191
37. Letter from William Bedlow to Richard Yates, requesting Provincial Congress to ascertain the per diem pay of commissioners for erection of fortification at, and proceedings of Provincial Congress thereon, ... 191
38. Order to Col. McDougall to send Captains Grennel and Ledyard, with their companies, for defence of fortifications at, ... 194
39. Resolutions of Continental Congress for the raising of 200 men from the militia of Dutchess, Orange and Ulster, for defence and occupation of the fortifications at, under command of Captain John Hanson, ... 197
40. Letter from Delegates in, to Continental Congress, relative to appointment of commander of the fortress at, ... 200
41. Letter from commissioners for the erection of fortifications at, explaining their progress, and requesting directions, ... 202
42. Resolution of Provincial Congress, recommending the erection of additional barracks at, and of a magazine; and directing commissioners for erection of fortifications at, to superintend the building of the same, ... 207
43. Appointment of committee for accommodation of differences between commissioners and engineers at; and for expediting the completion of the works; report of, and proceeding thereon, ... 207, 210, 223, 224, 226
44. Requisition on Treasurer in favor of commissary at, ... 207, 208
45. Prohibition of retailing liquor at or near fortifications at, ... 207
46. Letters from Provincial Congress to President and Delegates in Continental Congress respecting defence of fortifications at; and recommending Gilbert Livingston, William Bedlow, Thomas Grennel and Jonathan Lawrence, as proper persons to take command of, ... 209
47. Letter from William Bedlow, dated at Fort Constitution respecting pay of commissioners; and resolutions of Provincial Congress respecting, ... 226, 227
48. Letter from Provincial Congress to Delegates in Continental Congress respecting the expediency of the erection of additional fortifications at, ... 227
49. Plan of fortifications at, communicated by engineer to Committee of Safety, and letter to Continental Congress, transmitting, ... 236
50. Resolutions of Continental Congress, respecting fortifications at, and letter, ... 243
51. Letter to Delegation in Continental Congress, respecting pay and billeting money of officers and privates employed for defence of fortifications at, ... 245
52. Instructions to commissioners for fortifications at, ... 253
53. Nomination of Col. Isaac Nicoll to command of fortification at, ... 253
54. Returns of Capt Samuel Raymond's and Capt. Burns' companies of minute men at; and letter from Committee of Safety to Captain Raymond, relative to supplies of necessaries for troops at, ... 255
55. Letter from Committee of Safety to commissioners for erection of fortifications at, directing the transportation of powder to Gen. Schuyler at Albany 256
56. Letters from Thomas Grennel, one of commissioners at, relative to building of fortifications, and accounts of the expense thereof; answer of Committee of Safety, .. 260, 262, 263
57. Requisition on Treasurer for payment thereof, ... 260, 262
58. Information relative to fortifications at, communicated to Committee of Safety by John Berrien and Andrew McCormick, ... 262
59. Letter from Commissioners at, and Col. Nicoll, relative to compensation of minute men employed in the erection of battery at; and answer of Provincial Congress, .. 298, 299, 303
60. Resolutions of Continental Congress, relative to the erection of batteries at, ... 317
61. Appointment of Thomas Palmer as an additional commissioner, to superintend the erection of fortifications at, ... 318
62. Report of engineer relative to works at, ... 330
63. Letter from commissioners at, relative to erection of fortifications, and recommending the appointment of Gilbert Livingston as an additional commissioner, ... 331, 332
64. Commissioners authorized to employ vessels for quartering troops at, and to call into service minute men and Continental troops for the completion of the works at, ... 332
65. Appointment of Gilbert Livingston as additional commissioner at, ... 332
66. Requisition on Treasurer for advance to commissioners for the erection of fortifications at, ... 335
67. Letter from John Berrien, commissioner, &c. containing an account of moneys advanced by him, to Bernard Romans, engineer, ... 364
68. Order of Provincial Congress thereon, ... 364
69. Letter from Col. Isaac Nicoll, complaining of the want of a commissary of provisions, &c. at; and enclosing account of ammunition supplied by commissioners to Capt. Saml. Raymond; answer of Committee of Safety, ... 372, 397
70. Letter from Col. Isaac Nicoll, respecting command of troops at; and answer of Committee of Safety, ... 381, 386
71. Requisitions on Treasurer in favour of commissioners at, 390, 438
72. Letter from Messrs. Palmer and Livingston, commissioners, &c. at, relative to provisions, &c. and troops at; answer of Committee of Safety, ... 391, 392
73. Letter from Col. Nicoll, respecting state of regiment at, &c. transmitting Gen. Lee's order for the arrest of Ensign Goodgean, and an account of the expenses of trial of, by court martial, ... 402
74. Permission to Col. Nicoll to retire from service at, and vote of thanks to, ... 435
(See Washington, George 68.)
75. Letter from Gen. Putnam, transmitting a list of tory prisoners confined at, and requesting the order of Provincial Congress relating to their labour on the fortifications at; resolutions thereon, ... 471, 472
76. Commissioners at, directed to receive their future orders and directions from Gen. Washington, ... 484
77. Communication from Gen. Gates, respecting condition of defences at, and of the desire of Gen. Washington that a regiment of militia be sent there, ... 488
78. Resolution of Provincial Congress dispensing with further service of commissioners at, ... 493
79. Letter to Convention from Lieut. Col. Hammond, at Tarry Town, informing of the sailing of the British ships of war towards; orders to Col. Van Cortlandt and Mr. Z. Platt to repair to, and to call out the militia for the defence and reinforcement of the the garrisons of forts Montgomery and Constitution, ... 525
80. Resolutions of Convention for stationing troops from Ulster and Orange counties at, to guard the defiles, under the direction of Brig. Gen. Clinton, ... 526
81. Appointment of committee to visit forts Constitution and Montgomerie, at, and report as to their condition, &c. 604
82. Report of committee, and resolutions for the reinforcement of garrisons at, and apportionment of levies therefor, 611, 612, 613, 614
83. Appointment of field officers of such levies, ... 614
84. Letter from Gen. James Clinton, transmitting a return of articles wanted at the fortifications at, ... 616
85. Answer of Committee of Safety, ... 616, 617
86. Order for supplying the fortifications at, with articles for the use of the garrisons, ... 618
87. Letters from John Sloss Hobart, transmitting intelligence of the condition of the forts at, ... 640
88. Letter from Gen. James Clinton, respecting the condition of the forts at, ... 650
89. Resolutions of Continental Congress, for the reinforcement of the gar isons at, and approving of the measures of Convention for the defence of, ... 652
90. Requisition on Treasurer in favour of commissioners for erecting fortifications at, ... 688
91. Report of Robert R. Livingston, and resolutions of Committee of Safety respecting the defence of, ... 725, 726
92. Resolutions of Committee of Safety, directing Gen. George Clinton to take measures for the security of the passes of, with the troops under his command, and requesting the cooperation of Gen. Heath, ... 746
93. Letters from Committee of Safety to Gen. Heath, &c. informing of the state of the fortifications at, ... 759
94. Return of officers and men in garrison at forts Montgomery and Constitution, under the command of Brig. Gen. James Clinton, ... 777
95. Appointment of, and instructions to, committee to inquire into the state of the forts and garrisons in, and to provide for a reinforcement at, and to confer with Gen. Washington thereon, &c.; report of committee, ... 813, 816, 817, 831, 832
96. Resolutions of Continental Congress, directing the guarding of the passes at, with militia, ... 829
97. Letter from Convention to Congress relative to condition of,

PAGE.

HIGHLANDS—CONTINUED.

and recommending the appointment of Gen. George Clinton to the command thereof, ... 840
98. Letter from Convention to Gen. Washington and Gen. McDougall, ... 840, 841
99. Resolutions of Convention authorizing Gen. George Clinton to call out the militia of Orange, Dutchess, Ulster and Westchester counties, for the protection of the passes of,.. 848
100. Resolutions of Continental Congress, appointing Brig. Gen. George Clinton to the command of the fortresses at,..... 860
(See Elections, 4.)
101. Appointment of committee to confer with Gen. Washington, relative to providing garrisons for the forts at,..... 1019
102. Resolutions of Council of Safety for reinforcing the garrisons at, ... 1023
103. Letter from Gen. Washington to Gov. Clinton, requesting a reinforcement of the posts at,..... 1027
(See Clinton, George, 50.)
104. Attack upon, and demolition of, the fortifications at, by the enemy, ... 1063 to 1070, 1074
105. Report of committee appointed to confer with Gen. Putnam, Gen. James Clinton and other officers, relative to the necessary works to be constructed for the passess in, and appointment of commissioners to determine upon the place for their erection; report of committee, ...1113, 1114

HINMAN, COL. BENJAMIN.

(See Ticonderoga, 37; Fort George, 1.)
1. Letter from, respecting condition of fortresses at Fort George and Crown-Point, ... 74
2. Answer of Committee of Safety,..... 75
(See Connecticut, 18.)

HOBART, JOHN SLOSS.

1. Letter from Committee of Safety to, transmitting information concerning the shipping of provisions by George Youngs and son, Capt. Bush, and one Conklin, for the use of Gen. Gage's army, near Boston,..... 78
2. Letters from, informing of the condition of the forts at the Highlands; of the progress of the negotiation for an exchange of Brig. Gen. Woodhull; the conflagration at the city of New-York, &c. 649
3. Letter from, informing of the death of Brig. Gen. Woodhull; of the movements of the New-Hampshire and Massachusetts militia to join the grand army; and of the condition of the inhabitants on Long island, ... 671
4. Requisition on Treasurer in favour of, for expenses of journey to York Town, to meet committees of the middle States on public business, ... 900

HOISINGTON, JOAB.

1. Appointment of, and commission to, as major of four companies of rangers, to be raised in the counties of Cumberland and Gloucester, for the defence and protection of the frontiers, ...540, 541
2. Roll of officers of,..... 659
3. Report of committee and resolution of Convention, on application of, respecting bounty for company of rangers of, 659, 660, 661
4. Letter from, to Gen. Gates, transmitting information of the movements of Sir John Johnston, with the Indians and Canadians, to attack the inhabitants on the Mohawk river, and meet Gen. Burgoyne at Albany,..... 699
5. Resolutions of Convention for continuing in service the rangers raised in the counties of Gloucester and Cumberland, under command of, and appointment of commissioners therefor,..... 837

HOLMES, JAMES.

1. Appointment of, as colonel of fourth regiment,..... 62
2. Appointment of, and Col. Philip Van Cortlandt, as mustermasters for said regiment, ... 96
3. Sundry articles of military stores to be forwarded to, and procured by,..... 99
4. Ordered to proceed to Albany with the men under his command,..... 105
5. Commissary directed to supply with arms,..... 110
6. Requisition on deputy paymaster-general for advance to,.... 127
7. Treasurer authorized to pay £600 to,..... 128
8. Letter from Provincial Congress to, transmitting account of expenses of apprehension and transportation to Albany of three deserters from regiment of, and requesting their pay to be stopped, &c. 193
9. Letter from, informing of compliance with such order; order for refunding amount of pay to Treasurer, ... 335

HOLMES, JONATHAN.

1. Appointment of, as 2d lieutenant in Capt. Riker's company, in Col. Ritzema's regiment, ... 507
2. Appointment of, as ensign,..... 535

HOLT, JOHN.

1. Appointment of committee to settle with, for his services as a printer,..... 303
2. Appointment of committee to treat with, for the establishment of a printing office in this State,..... 793
3. Requisition on Treasurer in favour of, on account,..... 1073

HOOPER, WILLIAM.

1. Letter from, and Joseph Hewes, respecting proceedings and designs of Gov. Martin, of North Carolina, and answer of Committee of Safety,..... 73

PAGE.

HOPKINS, REUBEN.

1. Appointment of, as adjutant of regiment of minute men in Dutchess county,..... 135

HOPKINS, ROSWELL.

1. Appointment of, as lieutenant-colonel of 2d regiment of militia in Dutchess county,..... 523

HORNBECK, JACOB.

1. Appointment of, as lieutenant-colonel, Ulster county militia,. 135

HORTON, CAPT. AMBROSE.

1. Return from,..... 91
2. Directed to continue in Col. McDougall's regiment, ... 455

HORTON, JONATHAN.

1, Appointment of, as captain in Col. Ritzema's regiment,..... 405

HOSPITAL.

1. Proceedings of Provincial Congress in relation to establishment of, in the city of New-York, ... 323, 327, 336

HOSPITAL STORES.

1. Directed to be forwarded to Albany, for use of Connecticut troops, ... 76
2. Letter from Peter T. Curtenius to Provincial Congress, relative to demand of, by Mr. Hughes, &c. and letter from Provincial Congress to Gen. Lee, thereon,..... 330

HOUSTON, CAPT. JOHN.

1. Requisition on Treasurer in favour of, for bounty money for company of, in Col. Gansevoort's regiment,..... 745

HUDSON RIVER.

1. Resolutions of the Continental Congress for the erection of batteries on each side of, at the Highlands, to prevent the passage of vessels; and for the appointment of experienced persons to discover the proper place for such obstructions, ... 16
2. Appointment of committee thereon, by Provincial Congress,. 20
3. Report of committee, ... 38, 40
4. Appointment of committee to inquire into the depth of water in, from New-York to New-Windsor,..... 45
5. Resolution of Continental Congress respecting employment of troops, in the erection of batteries to secure navigation of,..... 47
6. Fortifications on, at the Highlands, directed to be erected, and commissioners to be appointed to superintend erection of, and to procure cannon and other stores for defence of, including the cannon on the Battery in the city of New-York, and appropriations for, ... 110, 113, 114, 128, 139
7. Col. Lasher directed to furnish a guard to proceed from New-York to Highlands, when requested by commissioners,.... 127
8. Appointment of John Berrien as commissary for agents for building fortifications,..... 130
(See Highlands.)
9. Resolutions of Continental Congress for the obstruction of the navigation of,..... 172
10. Gen. Wooster directed to forward a portion of his troops for defence of forts erected on, ... 172
11. Resolution of Provincial Congress, directing commissioners for the erection of fortifications on, and to inquire into the practicability of a farther obstruction to the navigation of, 177
12. Organization of four companies of matrosses for occupation of the forts on, recommended by Provincial Congress,.... 177
13. Letter from Provincial to Continental Congress, respecting erection and defence of fortifications at,..... 177
14. Remarks of B. Romans, engineer, and of commisssioners for the erection of fortifications at the Highlands, relative to plans for obstruction of the navigation of the Hudson, 179, 180
15. Appointment of committee to investigate the expediency of obstructing the navigation of, between Nassau and Bedlowe islands; report of,..... 462, 472
16. Letter from Gen. Washington respecting,..... 493
17. Passage of three British ships of war up the, beyond King's Bridge, and proceedings of Convention thereon, ... 522
18. Letter from Gen. Washington to Convention, on the importance of securing the passes on, and answer of Convention, ... 523
19. Appointment of committee to devise and carry into execution a plan for the obstruction of the navigation of,..... 526
20. Letter from chairman of said committee, requesting gunners and materials for the use of cannon on board ships fitted out by them; answer of Convention,..... .....546, 547
(See Washington, George, 68.)
21. Letter from committee of secrecy, relative to measures adopted for the defence of,..... 575
22. Requisition on Treasurer for advance to Capt. Henry Benson, for the purchase of sundry articles required for fitting out two armed vessels for defence of, ... 576
23. Letter from Committee of Safety to Gen. George Clinton, respecting obstructions to the navigation of, ... 624
24. Survey of channel of, at and about Fort Washington, ordered,..... 628
25. Letter from Gilbert Livingston, respecting the construction and fixing of the chain across,..... 629
26. Resolution of Convention, authorizing the purchase and impressment of vessels for the obstruction of the navigation of,..... 639
27. Letters from Tench Tilghman, relative to the obstruction of the navigation of,..... .....646, 662
28. Letter from Robert Yates on the same subject,..... 650

PAGE.

HUDSON RIVER—CONTINUED:

29. Letter from Robert Yates and Gilbert Livingston on the same subject, ... 650
30. Resolution of Committee of Safety, directing the mounting of cannon, at suitable places along the banks of, ... 696
31. Resolution of Committee of Safety, requesting the advice of Gen. Schuyler as to the best plan for obstructing the navigation of; directing a nautical survey thereof; and relative to the strength and sufficiency of the chain thrown across, ... 714, 715
32. Resolution of Committee of Safety directing the obstruction of the navigation of, near Pollepel's island, at the northern entrance of the Highlands, ... 719
33. Resolution of Committee of Safety requesting Maj. General Schuyler to superintend the erection of the necessary works for the defence of, ... 721
34. Letter to Gen. Washington, respecting, ... 722
35. Letter to Gen. Schuyler, ... 722, 726
36. Letter to Continental Congress, ... 723, 726
37. Report of Robert R. Livingston, and resolutions of Committee of Safety, respecting obstructions of the navigation of, 725, 726
38. Letter from Committee of Safety to Continental Congress, respecting the chain manufactured under the direction of Mr. Mechin, the engineer, for the obstruction of the navigation of, ... 726
39. Letter from Brig. Gen. Geo. Clinton, respecting proceedings of, in obstructing the navigation of, ... 731
40. Resolution of Committee of Safety, directing the employment of Maj. Taylor, one of the acting deputy quarter-master-generals to collect and purchase the necessary materials for the obstruction of the navigation of, ... 735
41. Letter to Gen. Heath thereon, ... 737
42. Resolutions for employment of Capt. Machine, in assisting to carry on the obstructions to the navigation of, ... 761
43. Report of committee of conference with Gen. George Clinton, relative to the progress of obstructions of the navigation of, ... 831
44. Letter from Convention to Gen. George Clinton thereupon, 841
45. Letter from Convention to committee of Albany, ... 851
46. Requisitions on Treasurer for expenditures in obstructing the navigation of, ... 576, 688, 705, 766, 798, 810, 810, 844, 902
47. Letters from Gen. Greene to agents for building Continental ships at Kingston, &c. directing said ships to be used in obstructing the navigation of; resolutions of Convention ordering the same, ... 938, 939
48. Letter from Delegates in Congress, transmitting report of marine committee relative to manning and fitting out two galleys for the defence of, ... 958, 959
49. Resolutions of Convention thereon, ... 959, 960
50. Letter from Gen. George Clinton, respecting, ... 961, 962
51. Answer of Council of Safety, ... 662
52. Letter to Continental Congress, respecting, ... 966
53. Letter from marine committee of Congress, ... 992
54. Report of committee to ascertain the place for fixing a chain and erecting fortifications for the obstruction of the navigation of, ... 1117

HUGHES, HUGH.

1. Appointment of, as commissary for Continental stores, ... 302
(See Hospital Stores, 2.)

HULBURT, JOHN.

1. Letter from, informing of enlistment by, and muster of men, 101
2. Muster roll of, certified by David Mulford, muster-master, received and filed, ... 110
3. Letter from, informing of departure of his company from Montauk, and requesting supplies of arms, ... 146
4. Provision for aid to, on his way to Ticonderoga, ... 155, 156
5. Resolution for advance of money to, on account, ... 247, 248
6. Appointment of, as lieutenant-colonel of Continental regiment of militia in Suffolk county, ... 489

HUMPHREY, CORNELIUS.

1. Appointment of, as lieutenant-colonel of regiment of minute men in Dutchess county, ... 135
2. Appointment of, as colonel, ... 389, 489
3. Return or rank roll of officers of, ... 658
4. Appointed to the command of a regiment of volunteers in Westchester county, ... 772
(See Westchester County, 84.)

HUNT, CAPT. JESSE.

1. Certificate to, on going to South Carolina, ... 430

HUNT, JOSEPH.

1. Letter from William Duer, recommending protection and provision for, as a reward for his zeal and essential service to his country; resolution of Committee of Safety thereon, ... 807
2. Commissary-general ordered to indemnify for property taken from, ... 807

HUNTER, JOHN.

1. Petition of, for assistance, and plan for establishment of a linen manufactory, ... 178

HUTCHINS, CAPT. AMOS.

1. Return of company of, and requisition on Treasurer for payment of, ... 378
2. Appointment of, as captain in Col. Ritzema's regiment, ... 405

PAGE.

HYATT, EZEKIEL,

1. Appointment of, as captain in the first regiment of the New-York battalion, ... 421
2. Directed to continue attached to Col. McDougall's regiment, 455
3. Requisition on Treasurer in favour of, for payment of his men, ... 502

I. J.

JACKSON, CAPT. WILLIAM.

1. Return of company of, in Ulster county, ... 396
2. Directed to repair to Fort Constitution, ... 397

JACKSON, GEORGE HAMILTON.

1. Appointment of, as second lieutenant in Captain Daniel Denton's company, ... 89

JANSEN, CORNELIUS T.

1. Appointment of, as first lieutenant in Captain Elias Hasbrouck's company, ... 99

JANSEN, DIRCK.

1. Appointment of, as second major in Colonel Peter R. Livingston's regiment of militia, ... 772
2. Letter from, respecting the prevalence of disaffection in the manor of Livingston; answer of Committee of Safety, .. 1030

JANSEN, JOHANNES, JR.

1. Appointment of, as major of Ulster county militia, ... 135

JANSEN, THOMAS, JR.

1. Appointment of, lieutenant-colonel Ulster county militia, ... 528

JAY, JOHN.

(See Continental Congress, 97.)

1. Election of, as chief justice, ... 910
2. Vote of thanks to, for his long and faithful services as a Delegate in Continental Congress, ... 931

JENKINS, RICHARD.

1. Late master of a vessel of Thomas Ludlow; information of, relative to vessel and cargo, and relating to Quebec, ... 123

JEWS.

1. Exemption of Hart Jacobs from the performance of military duty on Friday nights, part of the Jewish Sabbath, ...260, 261

IMPEACHMENT.

1. Proceedings of Convention in framing the constitution relative to power of, ... 878

IMPRESSMENT OF ARMS.

(See Resolutions of Provincial Congress, 58.)

IMPRESSMENT OF CONVEYANCES.

(See Resolutions of Convention, 5, 61.)

INDEPENDENCE.

1. Address of committee of mechanics to Provincial Congress, requesting instructions to Delegation in Continental Congress, to use their utmost endeavours to cause these United Colonies to become independent of Great Britain, and pledging their lives and fortunes in support of such declaration; answer of Provincial Congress, ... 474
2. Preamble and resolutions of General Convention of Virginia, instructing Delegation from, in Continental Congress, to propose a declaration of, ... 475
3. Answer of Provincial Congress, ... 481
4. Letter from Delegation from New-York, in Continental Congress, requesting instructions from Provincial Congress on the question of, ... 488
5. Resolution of Provincial Congress recommending to the inhabitants and electors of the Colony to vest their representatives with full powers to declare and recommend, ... 490
6. Declaration of, by Continental Congress, ... 516, 517
7. Reference of, to committee of Provincial Congress, ... 517
8. Resolutions of Provincial Congress approving of such declaration, and pledging the support of this Colony; provisions for publication thereof, ... 518
9. Letter from John Hancock, President of Continental Congress, enclosing declaration of, ... 521
10. Answer of Convention, ... 521
11. Letter from Continental Congress enclosing declaration of, with the names of the signers, and a resolution that the same be put on record and preserved among the archives of the several United States, ... 825

INDEPENDENT COMPANIES.

1. Draft of commissioners to officers of, &c. 141

INDIAN AFFAIRS.

1. Letter from Delegates in Continental Congress, to Provincial Congress, respecting, ... 30, 39
2. Answer of Provincial Congress, suggesting the appointment of a superintendent of, ... 32, 33
3. Message of Provincial Congress to confederated Indian Nations, by Joseph Johnson, ... 50
4. Report of Committee on, ... 82
5. Sundry papers relating to, delivered to Provincial Congress by Robert Yates of Albany, ... 95
6. Examination of Gerrit Roseboom, of Albany, and of Benjamin Davis, (alias John Johnson,) relating to, ... 106
7. Journal of the proceedings and meeting of delegation from the Six Nations, sent by commissioners of, to confer with the Caughnawagas, ... 169, 170

PAGE.

INDIAN AFFAIRS—CONTINUED.
8. Appointment of committee on, ... 802

INDIAN LANDS.
1. Proceedings of Convention in framing a constitution relative to, &c 880, 881

INDIANS.
(See Connecticut, 2, 17.)
(See Stockbridge Indians.)
(See Mohawk Indians.)
(See Oneida Indians.)
(See Indian Affairs.)
(See Kirkland, Rev. Samuel.)
(See Johnson, Joseph.)
(See Massachusetts Bay, 11.)
(See Caughnawaga Indians.)
(See Canada, 7, 8.)
(See Mohegan Indians.)
(See Johnson, Col. Guy.)
(See Five Nations.)
(See Ocoghquaga Indians.)
(See Tuscarora Indians,)
(See Onenaoghkwage Indians.)
(See Schuyler, Philip, 24.)
(See Brant, Joseph.)
1. Resolution of Continental Congress, for the employment of, in Canada, ... 482
2. Order of Convention for the free distribution of gunpowder to, in Ulster county near the Susquehannah,..... 539
(See Ulster County, 55, 62, 75)
(See Oswego.)
(See Orange County, 57.)
(See Johnson, Sir John.)
3. Information of intended invasion of the northern and western frontiers on the Mohawk river, under the command of Sir John Johnson,..... 699, 700, 701
(See Indian Lands.)
4. Report of committee, and resolutions of Congress relative to the intrusion of citizens of Pennsylvania, on lands of,.... 952
(See Seneca Indians.)
(See Tryon County, 32.)
5. Letter from Adam Fonda, to committee of Schenectady transmitting an account of an action with, at Oneida creek, and a list of the dead and wounded, ... 1034
6. Examination of Johannes Oosterhout, Jr. and Nicholas, the sachem, relative to proceedings of,..... 1054

INHABITANTS, ENUMERATION OF.
(See Enumeration of Inhabitants.)

INOCULATION. (See Smallpox.)

INSPECTORS OF FLOUR.
1. Appointment of, for Orange and Ulster counties,..... 670

INSTRUCTIONS.
1. Of Provincial Congress to officers relative to enlisting of men,..... 57, 269

INTELLIGENCE.
1. Appointment of committee to devise ways and means for the conveyance of, throughout the State, by newspapers and otherwise, ... 674

INTERCEPTED LETTERS.
1. From Gen. Gage to Governor of North Carolina, ... 57
2. From Joseph Martin, Governor of North Carolina, to Henry White, Esqr. 68
3. From Col. James Robertson, to Capt. Montague, commanding His Majesty's ship, King Fisher, ... 119, 120
4. From Thomas Ash at Boston, to John Shaw, a New-York merchant, ... 120
5. From Francis Stevens to Gen. Gage, relative to removal of stores, &c. from New-York, ... 122
6. From Joseph Allicock to Henry Lloyd and Lieut. Butricke,. 122
7. From Theophalact Bache, merchant of New-York, to Major Mocrief, at Boston, taken from Capt. Isaac L. Winne,... 141
8. Examination of letters and papers of George Bethune,..... 144
(See Prisoners, 22.)
9. From J. H. Dempster, captain of the ship Blue Mountain Valley, to his brother George Dempster, Esqr. Oxford street, London, ... 259
10. From J. H. Dempster, to Robert Hunter, Esqr. Coleman street, London,..... 260
11. From J. H. Dempster, to Richard Cardin, Esq. Bucklesbury, London,..... 260
12. From J. H. Dempster to J. Townshend, ... 260
13. From Joseph Woolcombe, to his father,..... 260
14. From Murray, Sansom, & Co. to Rogers Townshend, merchant at Goshen, ... 789
(See Tryon County, 28.)

INTERNAL COMMUNICATIONS.
(See Resolutions of Convention, 47, 48.)
(See Roads.)

INTERPRETER.
(See French Interpreter.)
(See Testard, Rev. John Peter.)
(See Prisoners, 54.)

JOHNSON, COL. GUY.
1. Letter from Albany committee relative to proceedings of,.... 23
2. Letter from Provincial Congress to, ... 28, 29

PAGE.

JOHNSON, COL. GUY—CONTINUED.
3. Letter from Samuel Kirkland to Albany committee, respecting proceedings of, and Oneida Indians,..... 49
4. Letter from Joseph Warren, President of Provincial Congress, of Massachusetts Bay, respecting disposition and proceedings of,..... 54
5. Letter from Committee of Safety to Delegates in Continental Congress, informing of the arrival of, at Oswego, with a body of Indians, ... 79
6. Letter from, to Provincial Congress, ... 94
(See O'Conner, John, 2.)

JOHNSON, JOHN, (alias Benjamin Davis.)
(See Albany City, 25.)
(See Indian Affairs, 6.)

JOHNSON, JOSEPH.
(See Oneida Indians, 4.)
(See Mohegan Indians, 1.)
1. Letter from, praying relief, and setting forth his exertions and influence among the western Indians, in favour of the American cause; petition granted, together with passport and letter of safe conduct, ... 142

JOHNSON, LADY.
1. Report of committee for escorting, to some proper and safe place of residence,..... 761
2. Letter from James Hunter, informing of the great resort of people from the Mohawk river, at Williamstown, supposed to carry letters to and from, ... 777, 780

JOHNSON, CAPT. ROBERT.
1. Letter from David Pye, recommending supplies for, &c..... 95
2. Capt. Peter Lent and Gilbert Cooper appointed muster-masters for,..... 96
3. Treasurer directed to pay £100 for use of company,..... 124
4. Apprehension of deserters from company of,..... 195
5. Order for payment to, of sums deducted for the apprehension of deserters from company of, ... 668

JOHNSON, SIR JOHN.
1. Copy of letters from, to Alexander White, ... 126
(See O'Conner, John, 2.)
2. Letter from Provincial Congress to committee of Tryon county, respecting the proper course to be pursued in relation to, and respecting claim of, to the court house and jail,.... 212
3. Letter from Major Joab Hoisington to Gen. Gates, transmitting intelligence of the movement of, with the Indians and Canadians, with the intention of attacking the inhabitants on the Mohawk river, and meeting Gen. Burgoyne at Albany, ... 699
4. Report of committee of arrangement and conference with General Schuyler, relative to proceedings and movements of, &c..... 700, 701
5. Letter from Gen. Schuyler, informing of the retreat of, with Gen. Carlton, to Canada,..... 708
(See Oneida Indians, 10.)
6. Information of proceedings of, communicated by Francis Horsman, a prisoner of war,..... 1021
7. Information of proceedings of communicated by Gen. Gansevoort,..... 1025

JOURNALS OF PROVINCIAL CONGRESS AND CONVENTION.
1. Resolution for transcribing, ... 651

IRELAND.
1. Information communicated to Provincial Congress, respecting embarkation of British troops from, ... 42, 43

IRON.
1. Resolution of Convention, authorizing the taking of certain machines for the manufacture of, and providing for compensation to the owner, ... 565
(See Sterling Iron Works.)

ISLIP.
1. Letter from Isaac Thompson, enclosing copy of general association signed by inhabitants of, ... 68

JUDGES OF THE SUPREME COURT.
(See Chief Justice; Jay, John.)
1. Election of Robert Yates and John Morin Scott, as,..... 910
2. Declension of Gen. Scott, ... 910
3. Election of John Sloss Hobart,..... 917

JUDICIAL OFFICERS.
1. Proceedings of Convention in framing a Constitution, relative to appointment of,..... 874, 910

JURY.
1. Proceedings of Convention in framing Constitution, relative to trial by,. 882

JUSTICES OF THE PEACE.
(See Paulding, William, 2.)

IZARD, RALPH.
1. Permission to, to bring with him, from Great Britain, coach, furniture, plate, books, and other effects,..... 167

K.

KEATER, ABRAHAM.
1. Requisition on Treasurer in favour of, for services rendered as a detachment of Capt. Salisbury's company of light-horse, in Ulster county,..... 1053

PAGE.

KELLY, WILLIAM, (Captain of 2d battalion of royal American regiment)
1. Discharged on parol of; parol of, and certificate, ... 144

KETCHAM, JOSEPH, JR.
1. Appointment of, as quarter-master in regiment of minute-men in Dutchess county, ... 135

KETCHUM, ALEXANDER.
1. Appointment of, as second lieutenant in Captain John Grennel's company in Huntington, in place of Philip Concklin, who declines, ... 78

KETELTAS, REV. ABRAHAM.
(See Queens County, 35.)

KEYSER, JOHN, JR.
1. Appointment of, as second lieutenant in Captain Christopher P. Yates' company of Tryon county militia, in place of Matthew Warmwood, declined, ... 103
2. Letter from Col. Goose Van Schaick, informing of death of, and recommending appointment of Tobias Van Vechten, in place of, ... 200

KIERS, E. W.
1. Accounts of audited, &c. 195

KING'S BRIDGE.
1. Resolution of Continental Congress, respecting fortifications at, ... 16
2. Committee appointed to examine and report thereon, ... 20
3. Report of, ... 27, 28, 31
4. Letter from Provincial Congress to Delegates in Continental Congress, relative to erections of fortifications at, ... 31
5. Appropriation for defraying expenses of removal of cannon from New-York to, ... 145
6. Lieut. Col. Graham ordered to detach company of minute men for defence of cannon at, ... 261
7. Letter to Col. Joseph Drake, requesting him to endeavour to find out the persons concerned in spiking up the cannon beyond, ... 266, 267
8. Answers from Col. Drake, and the sub-committee of Westchester county, and order for apprehension of Isaac Purdy, Wm. Armstrong, Wm. Sutton, James Lownsberry and Joshua Gidney, ... 270, 271
9. Examination and discharge of Joseph Purdy, William Sutton and William Armstrong, ... 270
10. Examination and order for imprisonment of Joshua Gidney, 271, 272
11. Order to Col. Drake for arrest of Josiah Burrell, Wm. Hains, Jas. Hains, Jr. Thomas Hains, Isaac Gidney and Joseph Purdy, ... 273
12. Examination of Wm. Lounsberry, ... 272, 273
13. Order for apprehension of Isaac Valentine, ... 273
14. Letter from Jonathan Blake, requesting reinforcement at, ... 274
15. Examination of Isaac Valentine, Isaac Valentine, Jr. and Wm. Dickin, ... 274
16. Agreement with Jacamiah Allen, for cleaning unspiking and removing the cannon at, ... 275
17. Letter from Jonathan Blake, transmitting Joseph Purdy to New-York as a prisoner, ... 276
18. Examination of Joseph Purdy, ... 276, 277
19. Order for imprisonment of, ... 277
20. Letter from Jonathan Blake, accompanying, transmitting of Josiah Burrell, Thomas Hains and Isaac Gidney, as prisoners, to Committee of Safety, ... 279
21. Examination of said prisoners; and order for imprisonment. 280
22. Examination and re-commitment of William Lownsberry, Isaac Gidney and Cornelius McCartney, on charge of spiking the cannon at, ... 341, 342
23. Direction to Jacamiah Allen, to guard cannon at, &c. 373
24. Proprietors of cannon at, authorized to dispose of the same, 507
25. Resolutions of Convention, authorizing the withdrawal of the troops from the city of New-York to the north side of, at the discretion of the Commander-in-Chief, ... 524
26. Resolutions of Convention, directing the militia of Ulster, Orange and Westchester counties, to repair under the command of Brig. Gen. George Clinton, to the fortifications beyond, ... 563

KINGS COUNTY.
1. Names and credentials of Deputies from, to first Provincial Convention, ... 1, 2, 3
2. Proceedings of meeting of committees of townships of Flatbush, Brookland, Bushwick, New-Utretcht and Gravesend, to chose such deputies, ... 3
3. Names and credentials of Deputies from, to first Provincial Congress, ... 7, 11
4. Appointment of member of Committee of Safety for, ... 70
5. Officers of company of lighthorse in Kings county, on Nassau island, ... 152, 185
6. Letter to Delegates from, requesting their attendance, ... 198
7. Letter to Delegates, in expectation of the arrival of troops from Philadelphia, to be quartered on Nassau island, ... 307
8. Committee of Brooklyn directed to provide quarters for said troops, ... 308, 309
9. Appointment of committee to inquire relative to proper compensation to inhabitants of Brooklyn for quartering troops, 327
10. Report of, and order thereon, ... 332
11. Letter from Provincial Congress to Committee of, relative to

PAGE.

KINGS COUNTY—CONTINUED.
supply of wood and timber for the erection of works on Long island, ... 340, 341
12. Recommendation and appointment of field and staff officers of regiment of militia in, ... 351
13. Names and credentials of Deputies from, to third Provincial Congress, ... 449
14. List of tories and disaffected persons in, and resolutions of Provincial Congress for proceedings against, ... 476, 477
15. General committee of, recommended to cause measures for the removal of the boats and craft on the river, from the control of disaffected persons, ... 502
16. One-half the militia of, ordered to Nassau island, ... 566
17. Appointment of field officers of the militia drafted from, ... 568
18. Appointment of committee to inquire into the authenticity of rumour that inhabitants of, had determined not to oppose the enemy; and empowering such committee in case they find the rumour true, to disarm and secure the disaffected, remove or destroy the stock of grain, and lay the whole country waste, ... 567, 568
19. Credentials of Deputy from, in Convention, ... 572
20. Nomination of officers of militia of, ... 574
21. Resolutions of Convention, declaring the election for representatives of, in convention void; and requiring a new election to be held, ... 582
(See Nassau Island.)
(See Long Island.)
(See Remsen, Jeromus.)
(See Smith, Josiah.)
22. Resolutions of Committee of Safety relative to organization and disposition of militia of, ... 603
23. Appointment of Representatives in Assembly for, ... 918

KINGSTON. (See Ulster County.)
1. Report of committee to confer with committee of, relative to accommodations for Convention at, ... 794
2. Adjournment of Convention to, ... 802, 803
3. Resolutions of Council of Safety for the relief of inhabitants of, in consequence of its destruction by the enemy, ... 1070

KIRKLAND, REV. SAMUEL.
1. Letter from, to Albany committee respecting proceedings of Col. Guy Johnson, and the Oneida Indians, ... 49
2. Letter from, recommending an Indian for assistance; referred to commissioners of Indian affairs, ... 195
3. Letter from, to Gen. Schuyler, giving information of an intended attack on the garrison at Ticonderoga, ... 795
(See Oneida Indians, 8.)

KITTLE ANDRIES.
1. Order of Council of Safety relative to portions of estate of, seized by commissioners of sequestration of Albany, ... 1094

KNAP, SAMUEL.
1. Order for trial of, by court martial as a deserter from Col. Hathorne's regiment, and for reference of sentence, if found guilty, to Convention, ... 790
2. Proceedings and testimony before court martial; sentence of death, and letters from Brig. Gen. George Clinton and Jesse Woodhull, President of said court praying for pardon to, ... 814, 815
3. Order for pardon, ... 975

L.

LAKE CHAMPLAIN.
(See Ticonderoga and Crown-Point.)
1. Letter from Springfield committee, Massachusetts Bay, respecting the importance of retaining command of, ... 76, 77
2. Letter from Gen. Schuyler, requesting Committee of Safety to send on a fit person to take command of sloop on, ... 79
3. Appointment of Capt. James Smith to such command, ... 80
4. Letter from Benedict Arnold to Gen. Schuyler, and from Gen. Schuyler, transmitting a detailed account of the action on, between the British and American fleets, and the destruction of the latter, ... 680, 681, 684

LAKE GEORGE.
1. Proceedings respecting removal of artillery and stores from Ticonderoga to south end of; and for furnishing supplies of provisions to garrison at.
(See Ticonderoga and Crown-Point.)
2. Resolution of Continental Congress, directing batteaux to be provided on, ... 27

LAMB, JOHN.
1. Letter from, to Provincial Congress, read and order thereupon, ... 29
2. Letter from, to Committee of Safety requesting permission to enlist a company of artillery to be commanded by him, and specifying uniform of; and order of committee therefor, ... 81
3. Appointment of Isaiah Wool as lieutenant fireworker in company of, ... 97
4. Directed to join Gen. Schuyler at Ticonderoga, ... 99
5. Pay of company of, ... 114
6. Ordered to form part of Col McDougall's regiment, ... 114
7. Resolution recognizing company of as part of colonial troops; pay of; rank of officers; and ordered to Ticonderoga, 126, 128

PAGE.

LAMB, JOHN—Continued.
8. Requisition on Col. McDougall, in favour of wife of, for part pay for services in Canada, ... 373

LANCES.
1. Resolution of Committee of Safety for procuring, for the use of the militia, ... 607

LAWRENCE, ABRAHAM.
1. Arrest and order for examination of, ... 143
2. Reprimand and discharge of, ... 143

LAWRENCE, ANDREW TELLER.
1. Appointed second lieutenant in Captain Lewis Dubois' company of troops in place of Cornelius Adriance, who declines, ... 71

LAWRENCE, CAPT. JOHN.
1. Warrant to, in place of Morris Hazard, ... 96
2. Notes of examination relative to movements of British troops, ... 171

LAWRENCE, JONATHAN.
1. Appointment of, as one of the commissioners to superintend the erection of fortifications at the Highlands, in place of John Hanson, ... 183

LAWRENCE MELANCTON.
1. Examination of, relative to expedition to Long Island and other islands in Suffolk county, to procure cattle and sheep for the use of the British army; and relative to the movements of the British troops generally, ... 119
2. Order for discharge of, on certain securities and engagements, ... 120

(See Allicock, Joseph.)

LEAD. (See Lead Mines.)
(See New-York City and County, 145.)
(See Tryon County, 24.)

LEAD MINES.
1. John Griffiths authorized to examine in Goshen or elsewhere, 142
2. John McDonald directed to examine at Newborough, on land claimed by Thomas Palmer; and letter to said Palmer, ... 148
3. Letter from Thomas Palmer, relating to, ... 167
4. Appropriation to John McDonald, for services of, in examining, ... 167
5. Resolution of Continental Congress recommending a prosecution of the discovery of, in New-Canaan; and transmitting copy of report of Joseph Hopkins thereon to the General Assembly of Connecticut, ... 318
6. Proceedings of Provincial Congress thereon; employment of John McDonald, as a minor; contract with, and requisition on Treasurer in favour of, ... 322
7. Letter to committee of Kings district, Albany county, informing of the said appointment, ... 322
8. Report of John McDonald and requisition on Treasurer in favour of, ... 384, 528
9. Directions to Mr. McDonald to explore mines in Orange and Dutchess counties, ... 388, 579, 599
10. Resolutions of Continental Congress recommending the working of, in the several Colonies, ... 482
12. Report of committee relative to, in Dutchess county, ... 485
13. Requisition on Treasurer in favour of Governor, for working of, ... 1111

LEARY, WILLIAM.
1. Appointment of, as town major on recommendation of New-York general committee, ... 209
2. Appointment of, as major of third regiment of militia, vice John Reade, resigned, ... 472

LEDIEU, CAPT. ABRAHAM.
1. Authorized to raise a company of volunteers to serve in Col. Thomas' regiment of Westchester county militia, ... 564

LEDYARD, BENJAMIN.
1. Appointment of, as captain in first battalion, in place of Samuel Broome, declined, ... 80
2. Draft on Treasurer for payment of, ... 188
3. Company of, ordered to repair to the Highlands, for the defence of the fortifications at, ... 194
4. Order of Provincial Congress, respecting company of, ... 217
5. Requisition on Treasurer in favour of, for sundry expenses incurred by, in taking charge of prisoners, ... 263
6. Letter from, relative to ill treatment received from Col. Henry B. Livingston, and requesting to be transferred to Col. Van Cortlandt's regiment; answer of Convention, ... 915

LEDYARD, ISAAC.
1. Appointment of, as surgeon's mate, to first regiment, ... 380

LEE, CHARLES.
1. Appointment of, by Continental Congress, as major-general, . 63
2. Letter from Committee of Safety to, relative to apprehended march of troops of, to the city of New-York, and answer, ... 259, 266
3. Directions for reception of, on arrival at New-York, ... 270
4. Appointment of committee of Continental Congress to inquire into expediency of expedition to New-York, ... 274, 275
5. Letter from Gen. Washington, relative to expedition of, ... 277
6. Report of committee of Continental Congress, and proceedings of Committee of Safety thereon, ... 277, 278
7. Order for admission and reception of troops of, under direction of Committee of Safety and Provincial Congress, ... 277

LEE, CHARLES—Continued.
8. Note from committee respecting the extent of their powers in the case, &c. 278
9. Letter from Col. Waterbury, respecting accommodations for troops of, in the city of New-York, ... 278
10. Conference with committee of Continental Congress, requested by Committee of Safety, ... 278
11. Result of such conference, ... 279
12. Conference with Committee of Safety and Continental Congress, relative to the erection of fortifications on Nassau island, and near Hellgate, ... 281
13. Requisition on Treasurer in favour of, ... 286
14. Resolution of Committee of Safety, authorizing the calling in of minute men from the Colony, in addition to the two Connecticut, and Lord Stirling's, regiments, for the defence of the city, ... 288
15. Provision for auditing accounts of, ... 298
16. Letter from, to Provincial Congress, submitting the case of Jean Baptiste D'Gas, and recommending the establishment of a company of artificers; proceedings of Provincial Congress thereon, ... 298
17. Letter from, respecting a report of a fleet at Sandy-Hook, and proposing the despatch of a whale boat to reconnoitre, ... 300
18. Report of committee, respecting appointment of commissary for Continental stores, and establishment of a commissary of artificers, ... 302
19. Letter from, apprising of abuse of indulgence shown to Gov. Tryon, and of interdiction of all communication with his ship, ... 304
20. Order for delivery to, by Theophilus Hardenbrook, of beds, quoins, and other implements for cannon, in his custody, . 309
21. Letter from, informing of the seizure, by the Asia and Phœnix, of provision vessels from the Jerseys, and suggesting the withholding of further supplies; answer of Provincial Congress, ... 312
22. Resolutions of Continental Congress for supplying, with a quantity of suitable cannon and other necessaries, for the siege or assault of Quebec, ... 318
23. Appointment of committee to forward, and requisition on Treasurer for advance for, ... 318
24. Letter from, requesting an advance of money for his troops; and requisition on Treasurer in favour of, ... 326
25. Letter from Provincial Congress to, respecting demand of commissary of Continental troops for certain hospital stores in possession of Colonial commissary, ... 330
26. Appointment of committee to inquire of, the reason for interdicting communication between Gov. Tryon's and other ships, contrary to resolutions of Provincial Congress; and the occasion of the firing, by the soldiery, on inhabitants coming to and returning from New-York; report of committee, ... 333, 335
27. Letter from, informing Provincial Congress of the probable removal of the British troops from Boston: and remonstrating against the liberation of enemies to the country, on giving bonds for their good behaviour, ... 336
28. Report of committee, and proceedings of Provincial Congress thereon, ... 336
29. Letter to, from Provincial Congress, relative to arrest and imprisonment of Saml. Gale, of Cumberland county, and to firing upon inhabitants by port guards, ... 340
30. Letter from, relative to supplies of timber for completion of works on Long island, ... 340
31. Answer of, to committee waiting upon, with regulations for supplying ships of war, and Governor's ship, with provisions, ... 341
32. Letter from, on the same subject, and also relative to the arrest of Mr. Gale, and the firing of sentries on the boats; and apprising Provincial Congress of his order for the arrest of all the professed tories on Long island, ... 343
33. Letter from Gen. Schuyler to, relative to condition of the troops in Canada, &c. 347, 348
34. Letter from delegation in Continental Congress to Committee of Safety, respecting the imposition of test oaths, &c. by, . 379
35. Taken prisoner, and brought to New-York, ... 789

LEE, THOMAS.
1. Appointment of, as 2d lieutenant in Capt. Jacobus Rosekrans' company, ... 100
2. Appointment of as 1st lieutenant, on declension of Samuel Van Veghten, ... 112

LEGISLATURE. (See Senators; Assembly.)
1. Proceedings of Convention in framing a Constitution, respecting powers, &c. of, ... 869, 870, 871, 884
2. Letter from Gov. Clinton to Council of Safety, respecting the prorogation of, and answer of Council, ... 1027
3. Proclamation of Governor proroguing, ... 1027, 1028
4. Circular to members of, informing of the proclamation of the Governor, convening, ... 1092

LENT, ABRAHAM.
1. Resignation of commission of as colonel of militia regiment in Orangetown, and letter of John Haring accompanying, 394

LENT, CAPT. PETER.
1. Appointment of, as muster-master, of Capt. Robert Johnson's company, ... 96

LEONARD, GEORGE.
1. Letter from, offering the use of the Orange furnace to the

PAGE.

LEONARD, GEORGE—CONTINUED.
Convention, during the residue of the lease of Samuel Patrick, deceased, ... 796

LEFOY, THOMAS.
1. Appointment of, as 1st lieutenant in Capt. Ambrose Horton's company, ... 389

LESTER, MORDECAI.
1. Order for apprehension and committal of, on charge of enlisting men and purchasing supplies for the enemy, ... 138
2. Application of, for a hearing respecting certain charges against; granted, with safe conduct, ... 183
3. Examination and discharge of, with reprimand, ... 185

LEWIS, FRANCIS. (See Continental Congress.)
1. Charge of, against John Thurman and Normand Tolmie, for defamation of; order of Committee of Safety for the appearance of said Thurman and Tolmie; examination relating to said charge, ... 428
2. Vote of thanks to, for his long and faithful services as a Delegate in Continental Congress, ... 931

LEWIS, MORGAN.
1. Letter from Delegates in Continental Congress, recommending appointment of, as brigade-major, ... 90

LIBERTY, SLOOP. (See Ships and Vessels, 4.)

LIEUTENANT-COLONELS.
1. Appointment of for several regiments, ... 62, 98, 135, 528, 534, 568
(See Warner, Seth, 3.)
2. Return of field officers of the militia of Tryon county, ... 139

LIEUTENANTS.
(See Lawrence, Andrew Teller.)
(See Meyer, John.)
(See Smith, Edmund, Jr.)
(See Tillotson, Daniel.)
(See Allen, Henry.)
(See Mitchell, Thomas.)
(See Bleecker, Leonard.)
(See Swartwout, Cornelius.)
(See Reid, John, Jr.)
(See Taylor, Andrew.)
(See Miller, Elijah.)
(See Dubois, Cornelius I.)
(See Pelton, Daniel.)
(See Smedes, Abraham.)
(See Thompson, Thomas.)
(See Weed, Reuben.)
(See Thorne, Samuel.)
(See Field, Joseph.)
(See Ten Broeck, Samuel I.)
(See Bower, Jacob.)
(See Lockwood, Joseph.)
(See Pell, Saml. Tredwell.)
(See Bellows, Jonas.)
(See Smith, Samuel.)
(See Ketchum, Alexander.)
(See McCune, William.)
(See Jackson, Geo. Hamilton.)
(See Palmer, David.)
(See Dubois, David.)
(See Grigg, James.)
(See De Witt, Thomas.)
(See Pawling, Albert)
(See Jansen, Cornelius T.)
(See Roggin, Petrus.)
(See Van Wort, Isaac.)
(See Van Veghten, Samuel.)
(See Lee, Thomas.)
(See Fink, Andrew, Jr.)
(See Keyser, John Jr.)
(See Bevier, Philip Dubois.)
(Martin, William)
(See Alger, William B.)
(See Tryon County, 12.)
(See Crane, William.)
(See Sickler, John, Jr.)

LIGHTFOOT, RICHARD.
1. Petition of, for aid in the establishment of a pin manufactory, ... 178

LIGHTHORSE.
1. Officers of company of, in Kings county, on Nassau island, 152, 185
2. Receipt of Isaac Sebring, an officer in, ... 220
3. Officers of company of, in Cornwall precinct, Orange county, 472
4. Report of committee on the application of Lieuts. William Boerum and Daniel Rapalje, officers of troop of, and resolutions of Convention thereon, ... 661
5. Requisition on Treasurer for advance to Ebenezer Woodhull, for pay and subsistence of Orange county troop of, called into service by Brig. Gen. George Clinton, ... 670
6. Requisition on Treasurer for advance to Lieut. Boerum, for pay and subsistence of Capt. Adolph Waldron's company of, ... 762
7. Detachment of, ordered by Gov. Clinton, for the more speedy conveyance of public despatches, ... 1029

LIGHT HOUSE. (See Sandy-Hook.)

LINCOLN, GEN. BENJAMIN. (See Vermont, 6.)

PAGE.

LINEN MANUFACTORY. (See Hunter, John.)
1. Exemption of Richard Cantillon and John Parkinson, and their workmen in, for drafts for militia service, ... 548

LIVINGSTON, ABRAHAM.
1. Appointment of, as temporary commissary for troops arriving in the city of New-York, ... 303
2. Requisition on Treasurer in favour of, ... 315
3. Acceptance of proposals of, for victualling Colonial troops, .. 360
4. Letter from, informing of deputation from Walter Livingston, to furnish provisions, &c. to Continental troops, ... 360
5. Resolution of Provincial Congress, for advance to, on giving security for the performance of contract respecting the victualling the troops, ... 362
6. Appointment of committee to contract with, ... 365
7. Contract with, and resolutions of Provincial Congress respecting, ... 367
8. Instructions to committees of Westchester and Dutchess to permit exportation of provisions to New-York, by, ... 376
9. Permission to, as agent for Philip Livingston, to export provisions and produce for the service of the United Colonies, ... 380
10. Bond of, filed, and requisitions on Treasurer in favour of, 388, 405
11. Permission to drovers employed by, to purchase cattle, &c. for supply of the army, ... 390
12. Letter from, requesting a settlement of his contract, and offering to relinquish said contract, ... 436
13. Letter from, relative to the forwarding of clothing to the army, ... 761

LIVINGSTON, HENRY B.
1. Acceptance of commission of captain by, ... 75
2. Letter from, informing that his company is ready, &c. and answer to, ... 106
3. Letter from, informing of dissatisfaction of soldiers of, in consequence of the non-allowance of under clothes, ... 107
4. Muster roll of, returned and filed, ... 112
5. Letter from Committee of Safety to, requesting the transmission of an account of the families, stock and effects removed by, from Long island, ... 733
6. Letter from Committee of Safety to, requesting him to repair, with the troops under his command, to this State, in order to oppose the ravages of the enemy in the county of Westchester, ... 750
7. Requisition on Treasurer in favour of, for recruiting his regiment, ... 770, 771

LIVINGSTON, HENRY, JR.
1. Appointment of, as major of third regiment, ... 98
2. Letter from, respecting certain supplies for regiment, and requesting the appointment of Dr. Samuel Cook as surgeon, 120, 121
3. Letter from, announcing the arrival of Col. Clinton at Albany, with troops, requesting supplies of military stores and informing of the discontent of the men for want of pay, . 130

LIVINGSTON, JAMES.
1. Appointment of, as colonel of Canadian battalion, ... 265

LIVINGSTON, JOHN R.
1. Letter from, to Provincial Congress informing of the erection of powder mill, ... 287
2. Letter from Provincial Congress to, requesting information as to the quantity of gunpowder on hand; stock of materials for, and quantity capable of being manufactured, ... 337
3. Directed to erect powder mill in Dutchess county, ... 349
4. Bond of, and securities for the erection of such mill, and requisition on Treasurer in favour of, ... 358, 359
5. Committee of Dutchess county, directed to station a guard at powder mill of, ... 551
6. Certificate from Robert Morris, chairman of secret committee at Philadelphia, of the delivery by, of a quantity of powder for the use of the United States, ... 797
7. Requisition on Treasurer in favour of, for bounty on the manufacture of, ... 798
8. Account of, for bounty on powder delivered to John Harper, by order of Convention for the use of the Oneoghquagha Indians, ... 1028
9. Letter from, to Robert R. Livingston, respecting the refusal of the militia of the manor of Livingston to march to Stillwater, ... 1039

LIVINGSTON, PETER R.
1. Letter from, relative to the refractory militia in the manor of Livingston, ... 768
2. Order for commissions to sundry officers in regiment of militia of, ... 772
(See Salt, 15.)

LIVINGSTON, PETER VAN BRUGH.
1. Chosen President of first Provincial Congress, ... 7
2. Appointed Treasurer for Colony, ... 69
3. Directed to pay to Col. McDougall certain sums received from general committee of New-York, ... 79
4. One hundred and seventy-five thousand dollars of Continental money ordered to be delivered to, ... 116
5. Directed to accept and pay draft for £1000 of Albany committee, ... 116
6. Directed to pay Joseph Hallett £8000 on account, for discharging the debts contracted in the purchase of flour for use of the army at Cambridge, ... 116, 122

PAGE.

LIVINGSTON, PETER VAN BRUGH—CONTINUED.

7. To pay Peter T. Curtenius £20,000 for discharging debts contracted for provisions, military stores, &c. 118
8. To pay Capt. Robert Johnson one hundred pounds for use of his company, ... 124
9. To pay Col. James Holmes £600, ... 128
10. To pay £100 to commissioners for erecting fortifications at the Highlands, ... 128
11. To pay Peter T. Curtenius £5000 to be applied to discharge of debts contracted for provisions, military stores and other necessaries, ... 130
12. To make advances to Major Barnabas Tuthill, and Adjutant Job Mulford, of the fourth regiment, to enable them to join the army, at Ticonderoga under Gen. Schuyler, ... 130
13. To pay certain moneys to Col. McDougall for use of his regiment, ... 132, 134
14. To pay Lieut. William Crane of Capt. Palmer's company, certain monies for payment of billeting money and troops, ... 142
15. To pay Abraham P. Lott, certain sums towards defraying expenses of removal of cannon from New-York to King's Bridge, ... 145
16. To pay appropriation for the employment and despatch of a vessel for the purchase of gunpowder and arms, ... 145, 148
17. To pay Henry Roome for pork forwarded to Ticonderoga, . 146
18. To pay sub-committee of New-York, certain sums borrowed by them for public use 146, 147
19. To pay Robert Ray, for expenses in carting guns to King's Bridge, ... 147
20. To pay Thomas Petit, doorkeeper of Provincial Congress £20, ... 152
21. To advance money to Capt. John Hulburt and Daniel Griffin on their way to Ticonderoga, ... 155, 156
22. To pay £20 to George Nicholson, ... 160
23. To advance money to Andrew Moodie, adjutant of third regiment, ... 160
24. To advance money to Bernard Romans for services of, as engineer in the erection of the fortifications at the Highlands, ... 161, 210
25. To advance money to Col. McDougall for use of troops, ... 161
26. To advance money to John McDonald for services of, in examining lead mines in Ulster county, ... 167
27. To advance money to Peter T. Curtenius, commissary on account, ... 167
28. To advance money to Capt. John Grennel, of Col. Clinton's regiment, ... 174
29. To advance money to commissioners for erection of fortifications at the Highlands, ... 174
30. To advance money to James Ryers, for casting fieldpieces, 175
31. To advance money for erection of barracks at Albany, ... 176
31. To advance money for purchase of pilot boat Bishop of Landaff, ... 179
32. To advance money for payment of workmen at the fortifications at the Highlands, ... 182
33. To pay David Clarkson £200 to enable him to discharge his note to Abraham Lott, Treasurer, for money borrowed for public service, ... 187
34. To pay Henry Glen £700, for like purposes, ... 188
35. To pay Christopher Tappen £428, for like purposes, ... 188
36. To pay Col. McDougall £600, for payment of Captain Ledyard's company, and the wives and attorneys of the men of his regiment 188
37. To pay John Berrien, commissary for the erection of fortifications at the Highlands, &c. £1200, ... 188
38. To pay Francis James for the pilot boat Hamden, and services of crew, ... 195
39. Appointment of committees to liquidate accounts of, ... 206, 316
40. Authorized to pay accounts audited and certified by committee, ... 206
41. Re-appointed Treasurer, ... 206
42. To pay certain sums to John Berrien, commissary, and one of the commissioners for erection of fortifications at the Highlands, ... 207, 208
43. Report of committee for examination of accounts of, ... 208, 210
44. Bonds to be given by, and salary of, ... 212
45. To pay compensation of Delegates in Continental Congress, ... 220
46. To advance £350 to Cornelius Atherton, on a contract with, for making muskets and bayonets, ... 222
47. To advance £5000 for loading vessels sent to Europe for purchase of provisions and military stores, &c. 226
48. To advance £500 to chairman of New-York committee, ... 227
49. To advance to Bernard Romans, engineer, at the Highlands, 161, 210, 236
50. Appointment by, of Gerard Bancker, as deputy treasurer, .. 246
51. To advance 6000*l.* to commissary, ... 253
52. To advance 500*l.* to Col. McDougall for subsistence of his regiment, ... 253
53. To advance to account of Nicholas Low, for purchase of powder, ... 254
54. To advance 100*l.* to James Holt, ... 258
55. To advance 325*l.* for purchase of sloop Sally, ... 260
56. To advance to Commodore James Smith, on Continental account, for services on Lake Champlain, ... 261
57. To advance to commissioners for erection of fortifications at the Highlands for expenditures thereon, ... 262

PAGE.

LIVINGSTON, PETER VAN BRUGH—CONTINUED.

58. Directed to receive certain moneys sent from Continental Congress for the raising of troops destined for Canada, .. 275
59. To pay John Vanderbilt 1800*l.* for advances in loading of vessels to obtain articles necessary for the Colony, ...
60. To advance 600*l.* to Comfort Sands, on account of expedition to the West Indies, for arms and ammunition, ... 279
61. To advance 100*l.* to Jacamiah Allen, for muskets, ... 279
62. To advance 50*l.* to John Foster for purchase of tow cloth, .. 282
63. To advance 1,000*l.* to Maj. Gen. Lee, on account of Continental Congress, ... 286
64. To advance 35*l.* to Jacob Proby, for transporting sundry ordnance stores from Turtle Bay to New-London, ... 310
65. To advance 100*l.* to Col. Drake, for pay of his regiment of minute men, ... 314
66. To advance 2,000*l.* on account to Abraham Livingston, commissary for sundry Continental troops in the city of New-York, ... 315
67. To advance 600*l.* for transportation of cannon for siege of Quebec, ... 318
68. To advance 370*l.* to Ezra L'hommedieu for public uses, ... 321
69. To advance 400*l.* to Col. Jacobus Swartwout for use of his regiment, ... 323
70. To advance 2,500*l.* to Gen. Lee, for subsistence of troops, .. 326
71. To advance 300*l.* for pay of Col. Samuel Drake's regiment of minute men, ... 328
72. To advance 500*l.* to Col. Abm. Lott, for purchase of bread. 328
73. To advance 35*l.* to Geo. Cook, for pouches and bayonet belts, ... 329
74. To advance 50*l.* on order of Jonathan Lawrence for pay as one of the commissioners for the erection of fortifications at the Highlands, ... 333
75. To advance 50*l.* to Capt. James Smith, for wages of seamen, mariners, and marines belonging to sloop Schuyler, ... 333
76. To advance 300*l.* to Col. Humphreys for the pay of his regiment of minute men in Continental service, ... 333
77. Order for payment to, of $47,000 obtained from Continental Congress, ... 335
78. To pay 500*l.* to commissioners for the erection of fortifications at the Highlands, ... 335
79. To pay 40*l.* for transportation of powder to Cambridge, ... 335
80. To pay 167*l.* to Jacobus Van Zandt, to complete the lading of the ships Rosemond, on Provincial account, ... 343
81. To pay 41*l.* for advances of pay to wives of sundry soldiers in the Continental service in Canada, ... 348, 351
82. To pay 1,330*l.* to John Ramsey, for employment of industrious poor in the city of New-York, ... 348
83. To pay 111*l.* to Col. McDougall for advances for public service, ... 355
84. To pay 1,000*l.* to John R. Livingston, on contract for the erection of powder mill, ... 359
85. To pay 60*l.* to Captain Daniel Denton, for wages due his men, ... 360
86. To pay 460*l.* to Suffolk county committee, ... 363
87. To pay 50*l.* to Capt. Jonathan Horton, for payment of company of, ... 365
88. To pay 500*l.* to Col. McDougall, for pay of his regiment, .. 369
89. To pay 300*l.* to Capt. Wm. Mercier, for payment of accounts for making gun carriages, ... 372
90. To pay 430*l.* for payment to Capt. Anthony Rutgers, for armed vessel for defence of trade of the Colonies, ... 372
91. To pay 100*l.* to Moses Ogden, on contract for manufacture of grape shot, ... 377
92. To pay 150*l.* advance to Capt Amos Hutchins, for payment of company of, ... 378
93. To pay 40*l.* for payment of wagoners for transporting powder to Cambridge, ... 379
94. To pay 500*l.* to Capt. Wm. Mercier, for fitting out vessel for protection of trade, &c. 380
95. To pay $18 to John McDonald, for services in exploring a lead mine at New-Canaan, ... 384
96. To pay $300 to Brig. Gen. Wm. Thompson, ... 386
97. To pay 5,000*l.* to Peter T. Curtenius, for commissary purposes, ... 388, 405
98. To pay 5,000*l.* to Abraham Livingston, on account of contracts for victualling the troops, ... 388, 405
99. To pay 500*l.* to John Berrien, one of the commissioners for the erection of fortifications at the Highlands, ... 390
100. To pay 300*l.* to Capt. Andrew Billings, for payment of his men, ... 392
101. To pay 1,000*l.* to Col. McDougall, for payment of his regiment, ... 393
102. To pay $2025 to Brig. Gen. William Heath, for Continental purposes, ... 394
103. Authorized to advance money, from time to time, to auditors or committee of pay table, ... 395
104. To advance Thomas Randall 900*l.* for purchase of armed schooner, ... 405
105. To advance money to Capt. William Mercier, for payment of expenses in fitting out armed sloop Montgomerie, ... 408
106. To advance money to Comfort Sands, for indemnity for loss of sloops Polly and Sally, captured by the enemy, ... 409
107. To advance money to Thaddeus Noble, on contract for making muskets, ... 421
108. To advance money to commissioners for the erection of fortifications at the Highlands, ... 428

PAGE.

LIVINGSTON, PETER VAN BRUGH—CONTINUED.

109. To advance money to Henry Wisner, Jr. for erection of powder mills, 438
110. To advance money to Anthony Griffiths, for disbursements as commissary for the purchase of military stores, 440
111. To advance money to Robert Benson and John McKesson, for services and disbursements as secretaries to Provincial Congress, 441
112. To advance money to Col. Malcolm, for payment of battalion of minute men commanded by, in the city of New-York, 441
113. To advance money to Lindley and Robert Murray for the erection of salt works, 456
113. To advance money for the purchase of saltpetre, 470
114. To advance money for provision for the poor in the city of New-York, and Queens county, 489
115. To advance money for purchase of gunpowder from Nicholas Low, 502
116. To advance money to Capt. Ebenezer Hyatt, for payment of his company, 502
117. To advance money to Peter T. Curtenius, commissary, &c. 506, 516
118. To advance money to committee of secrecy, for the public service, 528
119. To advance money to John Carpenter, for erection of powder mill, 531
120. To advance money for payment of bounties to corps of rangers, 540
121. To advance money to Col. Pierre Van Cortlandt and Capt. Zephaniah Platt, for subsistence of the troops at Peekskill, 541
122. To advance money to Rev. Mr. Lewis, chaplain to Convention, 551
123. To advance loan to Queens county committee, 545
124. To advance money to Captain Henry Benson, for fitting out armed vessels for the defence of the Hudson river, 576
125. To advance money to Colonel Van Cortlandt and Mr. Platt, for the support of the militia on Hudson's river, 576
126. To advance money for the removal of women and children from the city of New-York, 578, 589
127. Directed to keep account of expenditures in apprehending, securing and subsisting disaffected persons, and quelling insurrections, 590
128. Requisition on in favour of Theodorus Barton, commissary of the militia employed for the defence of Westchester county, on the Sound, 598
129. Requisition on, in favour of Zephaniah Platt, commissary for the troops under the command of Brig. Gen. Clinton, 599
130. Requisition on, in favour of Brig. Gen. Clinton, for payment of troops, 602
131. Requisition on, in favour of Col. Jeromus Remsen, 604
132. Requisition on, for the supply of articles for the defence of the fortifications at the Highlands, 614
133. Requisition on, for supply of clothing for the troops, 657, 681
134. Requisition on, for the repair of post roads between the Highlands and King's Bridge, 662
135. Requisition on, for the repayment of amount advanced by Major Henry Schenck, for the support of the troops employed to guard the shore at Haverstraw, in Orange county, 676
136. Requisition on, for carrying into execution resolutions of Convention for encouragement of the manufacture of flax, 679
137. Requisition on, for providing for the safety of the public records, 681
138. Requisition on, for the purchase of saltpetre, 683
139. Requisition on, for payment to Henry Wisner, Jr. for bounty on gunpowder manufactured by him, 683
140. Requisition on, for payment to Capt. Jacob Rutzen De Witt, for payment, subsistence and bounty to company of rangers, 685, 720, 776
141. Requisition on, for payment to committees of Tryon, Albany and Charlotte counties, for pay, bounty and subsistence of corps of rangers in, for the protection of the frontiers, 686, 687, 693
142. Requisition on, for payment to Capt. Samuel Tudor, for loan for payment of rafts of timber for building Continental frigates at Poughkeepsie, 687
143. Requisition on, for payment to Henry Wisner, Jr. premium for erection of powder mills, 687
144. Requisition on, for payment to committee for detecting conspiracies, &c. 687, 707
145. Requisition on, for payment to commissioners for the erection of fortifications at the Highlands, 688
146. Requisition on, for payment to secret committee for obstructing the navigation of Hudson's river, 688
147. Requisition on, for payment to Major Henry Schenck, agent for commissary-general of the Continental army, for expenses of procuring and sending flour, 692
148. Requisition on, for payment to committee for carrying into execution resolutions of Congress relative to raising of troops and appointing officers in the Continental service, 692
149. Requisition on, for payment to Peter T. Curtenius, commissary, &c. for the purchase of clothing for the troops, 694
150. Requisition on, for payment to Capts. Melancton Smith and Wm. Clark, for payment of bounty and subsistence of corps of rangers, 695

PAGE.

LIVINGSTON, PETER VAN BRUGH—CONTINUED.

151. Requisition on, for payment to Henry Wisner, Esq. for repair of roads in Orange county, and for making spears, 696, 697
152. Requisition on, for payment to Capt. Elias Hasbrouck for pay, billeting and subsistence of company of, 696, 801
153. Requisition on, for payment to Capt. Patrick Dennis for payment of the purchase of vessels for the obstruction of the navigation of the East river, 705
154. Requisition on, for payment to Peter T. Curtenius for balance due on settlement of accounts of, 705
155. Requisition on, for payment to Peter T. Curtenius, for advance, 706
156. Account current of, 709
157. Directed to advance to the respective colonels of the four Continental battalions, 3,000*l.* for the payment of bounties, 713
158. Directed to advance to Gen. Scott, for gratuity to non-commissioned officers and privates of brigade of, 720
159. Directed to advance to Col. Isaac Nicoll, for bounty of regiment of, 723
160. Directed to advance to secret committee, for defraying expenses of said committee, 724
161. Directed to advance for payment and subsistence of Major Alexander Webster and Capt. Isaac Belknap's companies of rangers, in Charlotte and Ulster counties, 728
162. Directed to advance for payment of portions of company of Captain William Ludlum, in Col. Josiah Smith's regiment, 728
163. Directed to advance for removing poor inhabitants from the city of New-York, 729
164. Directed to advance for purchase for clothing for troops, 730
165. For transportation of goods and arms for the use of troops, &c. 833
166. For goods purchased by Henry Quackenboss, for the State, 735
167. For payment and subsistence of Capt. Nathaniel Scribner's company, 740, 775
168. For enlistment money of Captain George White's company, 744
169. For pay and subsistence of Captain Micah Townsend's company, 744
170. To Capt. John Houston, for bounty money, 745
171. To Brig. Gen. Geo. Clinton, to defray expenses of, in the public service, 746
172. To Stephen Ward, Esq. for the purchase of hides for the use of the State, 749
173. To Colonel Lewis Duboys, for recruiting service of his regiment, 755
174. To Thomas Pettit, for services as doorkeeper, 757
175. To Uriah Mitchell and Sampson Dyckman, for services as expresses, 757, 758
176. To commissioners for compelling the disaffected portion of Col. Graham's regiment of militia, in Dutchess county, to march according to the orders of Convention, 758
177. To Capt. Samuel Dellivan, for pay, bounty and subsistence of corps of rangers in the manor of Cortlandt, 759
178. To Capt Alexander Baldwin, for pay, bounty and subsistence of company of rangers, 759, 826
179. To corps of rangers in Charlotte county, 759, 760
180. To Capt. Adolph Waldron's company of lighthorse, 761
181. To Capt. Suydam's company of horse in Kings county, on Nassau island, 765
182. To Capt. John A. Bradt, for pay and subsistence of company of rangers in Albany county, 766, 879
183. To Capt. William Bedlow, for the obstruction of the navigation of Hudson's river, 766, 903
184. To Capt. Ebenezer Woodhull, for pay and subsistence for troop of horse in Orange county, 768, 888
185. To Captain Sylvester Salisbury, for pay and subsistence for troop of horse, 768
186. To Henry B. Livingston, for recruiting his regiment, 770, 771
187. To Capt. Robert Castle, for pay and subsistence for crew of armed sloop Camden, fitted out for the obstruction of the navigation of Hudson's river, 771
188. For freight and demurrage of sloop Nancy, 773
189. To Caleb Brewster for pay and subsistence of himself and others, belonging to Capt. Selah Strong's company in Colonel Josiah Smith's and Henry B. Livingston's regiments, 774
190. To Capt. Hendrick Schoonmaker, for pay and subsistence of company of, 775
191. To Maj. Adrien Wynckoop, for pay and subsistence of detachment of militia commanded by, in guarding the passes of the Highlands, 775
192. To Capt. Petrus Van Gaasbeck, for pay and subsistence of company of, in the manor of Livingston, 777
193. To Lieut. Jacob Bower for pay and subsistence of company of, in the county of Albany, 780
194. For the purchase of arms and accoutrements for the use of this State, 785
195. To Christopher Leffingwell, for sloop hire and expenses in removing families and stock from Long island, 788
196. To John R. Livingston for bounty on the manufacture of gunpowder, 798
197. To secret committee for obstruction of the navigation of the Hudson's river, 799
198. To Albany committee for loan, 800
199. To committee to procure clothing for troops, 803

PAGE.

LIVINGSTON, PETER VAN BRUGH—CONTINUED.

200. To Nathaniel Sacket, Esq. on the order of General Washington, ... 804
201. For the support of sundry poor inhabitants of the city of New-York, ... 805, 903
202. To Captain Samuel Tudor, for procuring and cutting timber for a seventy-four gun ship, ... 806
203. To committee for establishment of, among, ... 807
204. To Captain Bedlow, for payment of wages of workmen employed in obstructing the navigation of the Hudson river, 810, 841, 946
205. To Captain Isaac Belknap for pay and subsistence of company of rangers, ... 790, 820
206. For clothing of troops, ... 820, 825, 829, 873, 921, 1015
207. To Captain Joshua Conkey and Isaac Moss, for pay and subsistence of companies of rangers in the county of Charlotte, ... 822
208. To Captain James Magee for stockings and mittens purchased for troops, ... 823
209. To commissioners for detecting and defeating conspiracies, . 824
210. To Captain Nathaniel Platt, for collecting and transporting arms, accoutrements, &c. belonging to the State from Connecticut, ... 824
211. To Daniel Dunscombe, for provisions, &c. 824
212. To executors of Samuel Patrick for iron stoves for the use of the troops in the northern department, ... 826, 839
213. To Abraham Wemple, for saltpetre, ... 827
214. To Captain Nathaniel Platt, for pay, bounty and subsistence of company of, ... 828
215. To Captain Marcus Demoth, for pay and subsistence of company of rangers in Tryon county, ... 828
216. For loan to the county of Ulster, ... 831
217. To Lieut. Col. Willett, for bounty to Col. Peter Gansevoort's regiment of militia, ... 831
218. To Col. Philip Van Cortlandt for bounty due to regiment of, ... 832
219. To commissary-general of the Continental army, ... 835
220. To Gen. George Clinton, for his attendance in Congress, ... 840
221. To the purchase of arms, ... 845
222. For the purchase of saltpetre, ... 845, 915
223. To Col. Lewis Dubois for bounty for regiment of, ... 846, 847
224. To Comfort Sands, for payment of the militia of Dutchess, Ulster, Orange and Westchester, ... 864
225. To Maj. John Wheelock, for raising troops in the north-eastern part of the State, ... 871
226. To committee of Ulster county for stockings and blankets purchased for the use of the troops, ... 883
227. For the purchase of hempseed, ... 899
228. To Robert Van Rensselaer and John Sloss Hobart for expenses of journey on public business to Yorktown, ... 900
229. To Comfort Sands, auditor-general for payment of the militia of Orange county, ... 902
230. To William Floyd, for compensation as a Delegate from this State in Continental Congress, ... 905
232. To Col. James Hammond, for payment of the militia under his command, ... 913
233. To Charles Giles for victualling disaffected persons confined in the jail at Kingston, ... 913
234. To Maj. Joseph Strang, for pay and subsistence of militia under command of, in Westchester county, ... 915
235. For payment of rangers in Cumberland and Gloucester counties, ... 916
236. To Henry Wisner, as bounty for erection of powder mills, . 921
237. For loan to committee of Albany county, ... 930
238. To Abraham P. Lott, for the purchase of salt, ... 934
239. To Col. Robert Van Rensselaer, for pay and subsistence of companies of, ... 935
240. To Capt. Jacobus Roos, for pay, rations and mileage of company of Col. Hasbrouck's regiment, ... 943
241. To commissioners for suppressing insurrections, &c. in Livingston and Rhinebeck precincts, ... 946
242. To David Currie, commissary, &c. 953
243. To commissioners for detecting conspiracies, &c. 961, 991, 1053, 1105
244. To Cornelius C. Elmendorph, commissary of provisions for Fleet prison, ... 974
245. For the removal of Long island refugees, from Connecticut to Dutchess county, ... 979
246. To Capt. Benjamin Yates, to defray expenses of commissary of, in their march to Kingston, ... 979
247. To Capt. Elias Hasbrouck for the expense of transportation of salt from Canaan, purchased for the use of this State, 1036
248. To Capt. Samuel Payne, of Major Wheelock's corps, on account, ... 1041
249. To Abraham B. Bancker, commissary of prisoners, on account, ... 1041, 1089, 1113
250. To Abraham Keater, surgeon of Capt. Salisbury's company of lighthorse in Ulster county, ... 1053
251. To Rev. John Rodgers, for his services as chaplain, &c. ... 1058
252. To John Holt, on account, for printing, ... 1073
253. To Gouverneur Morris, for services as a Delegate in Congress, ... 1073
254. To Melancton Smith, for the purchase of pay, for the use of the State, ... 1105
255. To commissioners for superintending the removal of prisoners from Hartford to this State, ... 1106

PAGE.

LIVINGSTON, PHILIP.

1. Chosen President of first Provincial Convention, ... 1
2. Accounts of vouchers of, ... 833
3. Re-election of, as a Delegate in Congress, and vote of thanks to, for his long and faithful services therein, ... 931

LIVINGSTON, ROBERT.

1. Letter from, to Provincial Congress offering the use of his furnace and hands, for the casting of cannon, ... 358
2. Answer of Provincial Congress, ... 358
3. Letter from committee of Rhynbeck precinct, complaining of the exorbitant charges of, for iron; resolutions of Council of Safety, directing him to answer such complaint, .. 1088, 1090
4. Report of committee and resolutions of Council of Safety, relative to answer of, ... 1100, 1101

LIVINGSTON, ROBERT C.

1. Certificate to, on departure of, from New-York to Britain, for recovery of health, ... 144

LIVINGSTON, ROBERT, G. JR.

1. Appointment of, as deputy adjutant-general, in place of William Duer, declined, directed to join the army under command of Gen. Schuyler, ... 117
2. Anonymous letter to, ... 760

LIVINGSTON, ROBERT J.

1. Appointment of, as major in regiment of minute men, in Dutchess county, ... 135

LIVINGSTON, ROBERT R.

1. Letter from Provincial Congress, requesting to forward gunpowder from powder mill at Rhinebeck, to Gen. Schuyler at Ticonderoga, under the care of Major Tedwitz, ... 110
2. Letter from Committee of Safety, respecting supply of gunpowder to Albany committee, ... 154
3. Letter from Provincial Congress to, respecting supply of powder to Gen. Schuyler, ... 169, 181
4. Answer of Robert Livingston, Jr. 201
5. Letter to, respecting the erection of powder mills of, ... 245
6. Letter to, respecting the casting of cannon and shot; and answer of, ... 268, 288, 302
(See Livingston, John R.)
7. Resolution of Committee of Safety, directing to confer with Major-General Heath, and Brig. Gen. Clinton, relative to the condition and defences of the Highlands, and the practicability of obstructing the navigation of Hudson's river: report of, and resolutions of Committee of Safety, 719, 725, 726
8. Elected Chancellor, ... 910
9. Vote of thanks to, for his long and faithful services as a Delegate in Continental Congress, ... 931

LIVINGSTON, WALTER.

1. Letter from, communicating information of appointment of, as deputy commissary-general, requesting the consignment of stores, &c. to, at Albany; and informing of the ruinous situation of the fortress at Ticonderoga, ... 99
2. Directions to, to make inquiry relative to forwarding of provisions to Ticonderoga, and to despatch the same, ... 113
3. Letter from, relative to forwarding of stores, ... 127
4. Letter from, respecting receipt of gun barrels, &c. 153
5. Letter from, enclosing letter to Provincial Congress, from Gen. Schuyler, ... 162, 163
6. Letter to, from Provincial Congress, relative to accounts of ferrymen of the city of Albany, ... 178
7. Letter to, from Provincial Congress, transmitting resolutions of Continental Congress, for supplying provisions for garrison at the Highlands, ... 198
8. Answer of, ... 201

LIVINGSTON, WILLIAM, BRIG. GEN.

1. Letter from, communicating information of an intended attack by the British on Bergen Point, Elizabethtown and Amboy, ... 585

LLOYD HENRY. (See Intercepted Letters, 6.)

1. Resolution of Committee of Safety relative to custody and disposition of escheated estate of, in Queens county, .. 428, 429
2. Inventory and appraisal of, ... 458

LOAN COMMISSIONER. (See Loans.)
(See Van Rensselaer, Henry I.)

LOANS.

1. Directed to be obtained of Treasurer by Mr David Clarkson, and members of Provincial Congress responsible for repayment thereof, ... 26
2. From loan officers of city and county of Albany, through Treasurer; members of Provincial Congress responsible for repayment thereof, ... 27
3. From loan officers of the county of Ulster; how to be expended and accounted for, ... 75
4. From sundry Delegates in Provincial Congress and application thereof, ... 102
5. Production before Provincial Congress of notes given by Abraham Ten Broeck, Egbert Dumond and David Clarkson, to Abraham Lott, for money borrowed for use of Colony, and for public services, and disbursements in the removal of cannon and stores from Ticonderoga, ... 195
6. Resolution of Continental Congress, denying application from Provincial Congress for, ... 244

PAGE

LOANS—CONTINUED.

7. Continental and Colonial paper currency directed to be received in payment of; and payment of portions of suspended for a limited period, ... 350
8. Resolutions of Provincial Congress, authorizing to several county committees, ... 356
9. Resolutions of Provincial Congress, authorizing to Suffolk County, ... 363
10. Appointment of committee to negotiate, ... 562
(See Curtenius Peter T. 48.)
11. Resolution of Continental Congress for, to the State of New-York, ... 653
12. Letter from Philip Livingston, a Delegate in Congress, informing of the obtaining, ... 656
(See Van Rensselaer, Henry J.)
13. Resolutions for loans of money to the several counties, ... 771
14. Resolution of Continental Congress, authorizing an additional loan of $2,000,000 for the public service, ... 790
15. Resolutions of Committee of Safety, directing the payment into the treasury of debts due the loan office, ... 818
(See Van Rensselaer, Henry I.)
(See Ten Broeck, Dirck.)
(See Ulster County, 71.)
16. Resolution authorizing to commissary-general of Continental army, ... 835
(See Albany City and County, 80.)

LOCKSMITHS.

1. Appointment of committee to send to Great Britain for, ... 67

LOCKWOOD, LIEUT. JOSEPH.

1. List of men who went in company commanded by, from Manchester to Ticonderoga, and account of expenses of, . 74

LOGAN, SAMUEL.

1. Appointment of, as major of Ulster county regiment of militia, ... 528

LOUDON, SAMUEL.

1. Complaint of, concerning the destruction, by a committee of mechanics of impressions of pamphlet of, refuting the arguments of the pamphlet entitled "Common Sense," 377
2. Memorial of, ... 405, 406
3. Resolution of Convention for payment of, for publication of its acts and proceedings, ... 750
4. Examination of, and reprimand to, for publication of certain extracts from Gaines' paper, contrary to direction of the House, ... 781

LONG ISLAND. (See Suffolk County.)
(See Nassau Island.)

1. Requisition on Gen. Wooster for four companies of troops, to be placed under the command of Col. Phineas Fanning, for assistance of inhabitants at, in preventing the taking off of stock by the King's troops, for the use of the army at Boston; and letter to Col. Fanning, ... 103
2. Letter to committee of East Hampton, respecting, ... 103
3. Gen. Wooster directed to continue at, ... 108
(See Lawrence Melancton.)
4. Letter from Gen. Washington, transmitting information of reported embarkation of British troops, from Boston, for, 277
5. Inhabitants of, inimical to the rights and liabilities of America, ... 277
6. Inhabitants of, recommended to remove, together with their stock and grain, to the main land, ... 600
7. Retreat of Continental troops from, to the city of New-York, 602, 603
8. Information communicated to Committee of Safety by William Warne, relative to the strength and disposition of the British troops on, ... 617
9. Letter from John Sloss Hobart, to Convention, respecting the condition of the inhabitants of, ... 671
10. Resolution of Committee of Safety for the adjustment of accounts due inhabitants of Connecticut, for services in the removal of stock and indigent persons from, ... 718
11. Letter from Committee of Safety, to Col. Henry B. Livingston, requesting the transmission of an account of the families, stock and effects by him removed from, ... 733
12. Resolutions of Council of Safety, appointing commissioners to superintend the removal of refugees from, from Connecticut to Dutchess county; and requisition on Treasurer therefor, ... 979
13. Letter to Gov. Trumbull thereupon, ... 979

LOTT, ABRAHAM. (Contractor for supplying His Majesty's ships in the port of New-York.)

1. Letter from, covering an order from the purser of ship Asia, for provisions, requesting liberty to supply said ship with such provisions, for her own use, during her stay in the Colony, ... 15
2. Leave accordingly granted, ... 15
3. Resolution of Provincial Congress, to become individually responsible for certain money advanced by, to Treasurer of Colony, ... 21
4. Loan from, directed to be obtained, and members of Provincial Congress responsible for repayment thereof, ... 26
5. Order from, on loan officers of city and county of Albany, directed; security therefor, and resolution to become responsible for the repayment thereof, ... 27
6. Memorandum from, of articles supplied and provisions wanted for His Majesty's ship, the Kingfisher, and order of Provincial Congress for such supplies, ... 61

PAGE

LOTT, ABRAHAM—CONTINUED.

7. Letter from, respecting demand of provisions for His Majesty's ship, Nautilus, and order for, ... 72, 73
8. To give order on loan officers of Ulster county, for money in their hands, ... 75
9. Authorized to supply provisions to His Majesty's ships in the port of New-York, ... 126
10. Estimates of, of provisions for ship Asia, and arrangements with, for supplying, ... 129
11. Resolution prohibiting payment of moneys advanced by, until further orders of Provincial Congress or Committee of Safety, ... 134
12. Directed to receive Continental and Colonial paper currency in payment of loans, &c. and to account for moneys in his hands, as Treasurer, ... 350, 627, 628
13. Resolution of Convention peremptorily directing, to appear before the House, and account; order for apprehension of, on refusal to comply, and prohibiting payments to, for the future, ... 628
14. Letter from, to Convention, excusing his delay in accounting, and fixing a time therefor, ... 647
15. Appointment of committee to confer with, ... 900

LOTT, ABRAHAM P. (See Salt, 14, 23, 24.)

LOTTERY TICKETS.

1. Resolution of Continental Congress, recommending the passage of laws for preventing the forging or counterfeiting of, ... 747

LOW, ISAAC.

1. Proceedings of Convention, in reference to non-attendance of, as one of the Deputies from the city and county of New-York, ... 3, 4

LOWNSBURY, WILLIAM.

(See Tories, 36.)
(See Forfeited Estates, 1.)

LUDENTON, COL. HENRY.

1. Letter from Convention to, transmitting commissions for officers of regiment of, ... 532, 533

LUDLOW, GABRIEL W.

1. Directed to pay certain moneys collected by him, to Peter Van Brugh Livingston, ... 62
(See New-York City, 48.)

LUDLOW, THOMAS. (See Jenkins, Richard.)

LUDLOW, WILLIAM.

1. Resolution and proceedings of Council of Safety, relative to claim of, to certain property taken by commissioners of sequestration of the county of Albany, belonging to Gabriel H. Ludlow and Charles Shaw, ... 1091, 1092

LUDLUM, CAPT. WILLIAM.

1. Requisition on Treasurer in favour of lieutenant of, for payment and subsistence of part of company of, in Col. Josiah Smith's regiment, ... 728

LYON, DAVID.

1. Appointment of, as captain, in place of Abraham Van Wyck, declined, ... 78

LYON, HENRY.

1. Petition and documents of, for return of property sold by order of commissioners of sequestration of Dutchess county; order of Council of Safety thereon, ... 1053

LYON, PARSON JAMES. (See Suffolk County, 14.)

M.

MABEE, SIMON.

1. Letter from Gen. McDougall, transmitting proceedings of court martial on trial of, as a spy; confirmation of, by Convention, ... 883, 884

MAILS AND MAIL ROADS. (See Canada, 5.)

MAJOR-GENERALS. (See Schuyler, Philip.)

1. Appointment of, by Continental Congress, ... 63
viz:
1st. Artemas Ward.
2d. Charles Lee.
3d. Philip Schuyler.
4th. Israel Putnam.

MAJORS.

1. Appointment of, 62, 80, 98, 135, 139, 528, 534, 540, 541, 568, 610, 690, 772, 775
(See Safford, Samuel.)
(See Leary, William.)
(See Hetfield, Moses.)
(See Van Rensselaer, Henry.)
(See Purdy, Ebenezer.)
(See Hoisington, Joab.)
(See Wheelock, John.)
(See Pawling, Albert, 2.)
(See Nicholson, George.)

MALCOM, WILLIAM.

1. Instructions to, and letter from Provincial Congress to com-

PAGE.

MALCOM, WILLIAM—CONTINUED.
mittee of inspection and observation in New-Jersey, relative to dismantling the light house at Sandy-Hook, ... 342
2. List of officers in 2d regiment of militia, commanded by, raised for the reinforcement of the Continental army at New-York, ... 506
3. Appointment of William Adams as surgeon in regiment of, ... 518
4. Resolution of Committee of Safety, directing gratuity to be paid to non-commissioned officers and privates of regiment of, &c. 735
5. Annexation of, to General George Clinton's brigade, ... 748

MANUFACTURES.
1. Appointment of committee to consider what may be necessary for Colonial convenience and defence, ... 356
2. Report of, recommending encouragement for the erection of powder mills, the establishment of manufactories of firearms, saltpetre, and salt; agreed to and adopted by Provincial Congress, ... 365, 366
3. Recommendation by Committee of Safety, for promoting the growth of hemp and flax, the increase of wool, and the erection and establishment of manufactories in the Colony, ... 414, 515
4. Resolutions of Convention for the encouragement of, ... 573

MARINE COMMITTEE.
1. Appointment of, and instructions to, ... 352
2. Report of respecting loan of an armed vessels fitted out by the Colony, ... 416
3. Authorized to cause the cargoes of prizes and prize vessels, taken on Long island, to be disposed of in such manner as shall be advantageous to the public interest, ... 508

MARINE DEPARTMENT.
1. Letter from Committee of Safety to Gen. Washington, relative to the command in, on the lakes, ... 425, 426
(See Mariners.)
(See Wynkoop, Jacobus.)

MARINERS.
1. Directions to Capt. Jacobus Wynkoop to enlist for service on the lakes, under Gen. Schuyler, ... 408

MARINER, WILLIAM. (See Watkeys, Henry, 3.)

MARINE SOCIETY.
(See New-York City, 19.)
(See Artillery Companies.)

MARQUE AND REPRISAL, LETTERS OF.
(See Privateers.)

MARTIN, JOSEPH, (Governor of North Carolina.)
1. Intercepted letter from Gen. Gage, to, ... 57
2. Intercepted letter from, to Henry White, ... 68
3. Letter from William Hooper and Joseph Hewes, of Philadelphia, respecting designs and proceedings of, and answer of Committee of Safety, ... 73
4. Letter from, to Gen. Washington, requesting permission for his wife and children, and his father-in-law and family, to go on board the British fleet at Staten island; answer of Convention, ... 583

MARTIN, WILLIAM.
1. Appointment of, as 2d lieutenant in Captain Robert Johnson's company, ... 110

MARVIN, EPHRAIM.
1. Appointment of, as adjutant of Col. Josiah Smith's regiment of minute men, in Suffolk county, ... 400

MARVIN, JOSEPH.
1. Appointment of, as surgeon's mate first regiment, ... 128

MARVIN, SETH.
1. Appointment of, as captain of a company of militia, drafted from the militia of Orange county, ... 798

MARYLAND.
1. Letter from Delegates of, in Continental Congress, requesting the loan of cannon for the defence of Baltimore; and recommendation of New-York Delegation in favour thereof, 377
(See Continental Army, 11.)

MASSACHUSETTS BAY.
1. Letter to Committee of Safety for Colony of, respecting fortress at Ticonderoga, ... 14
2. Letter from President of Provincial Congress of, (Joseph Warren,) respecting defence of Ticonderoga, &c. and the general welfare, enclosing letter from Col. Benedict Arnold, ... 22
3. Answer of Provincial Congress, ... 33, 34
4. Letter from Gen. Artemas Ward, Joseph Warren, chairman of Committee of Safety, and Moses Gill, chairman of committee of supplies to Provincial Congress, requesting a supply of powder, ... 34
5. Answer of Provincial Congress, ... 33
6. President of Provincial Congress goes to Elizabethtown, to confer with committee there, on the subject of such supply of powder; report of, and proceedings thereon, ... 35, 37
7. Letter from Provincial Congress to Governor of Connecticut thereto, ... 38
8. Letter from Provincial Congress to Delegates in Continental Congress, respecting the lading of provisions for the army and navy at Boston, consigned to Messrs Lopez and Rome, in Rhode Island, on board a vessel commanded by Captain Coffin, ... 33
9. Resolutions of Continental Congress, requesting Provincial Congress of New-York, to forward to camp at Boston, five thousand barrels of flour, ... 39
10. Directions of Provincial Congress for transmission of powder for use of troops near Boston, ... 47
11. Letter from Joseph Warren, President of Provincial Congress of, respecting Canadians, Indian tribes and Colonel Guy Johnson, ... 54
12. Letter from Walter Spooner, chairman of Springfield committee, respecting the importance of keeping the command of Lake Champlain; and in commendation of the conduct of Judge Duer, in certain disturbances near the fortress there, ... 76, 77
13. Letters from Gen. Washington, respecting the contemplated departure of British troops to New-York, ... 95, 111
14. Letter from Gen. Washington transmitting information of the arrival of vessel at, from New-York, bound for St. Croix, with provisions on board for British army, ... 111
15. Information of John Carter, given to Provincial Congress, relative to proceedings at, ... 111
(See Gardiner, David.)
16. Letter from Committee of Safety to Delegates from, in Continental Congress, respecting the examination and discharge of George Bethune, ... 144, 145
17. Resolution of House of Representatives of, empowering committee of Falmouth in, to license inhabitants to purchase provisions and supplies for; and permission by Provincial Congress of New-York to Abner Briggs to ship 180 barrels of flour from New-York, for Falmouth, under such resolution, ... 169
18. Letter from Gen. Washington, transmitting information of the burning of Falmouth by the British under command of Capt. Mowatt, ... 191
19. Requisition on Treasurer, for assistance to Jabez Fredericks and Jacob Andrews, inhabitants of, taken prisoners by Lord Dunmore, and having escaped, ... 326
20. Information of the probable removal of British troops from Boston, ... 335, 336, 356
21. Application of select men of Boston, relative to safety of men of; and answer of Gen. Howe, ... 357
22. Quotas of militia of, directed by Continental Congress to be raised in, for the reinforcement of the army in Canada, and at New-York, ... 482
23. Letter from John Sloss Hobart, informing of the movements of militia of, to join the grand army, ... 671
24. Letter from Council of Safety, to President of the Council of, respecting the embargo of provisions, &c. laid by general court of, ... 972, 973
25. Answer of President, ... 993
26. Resolution of House of Representatives and Council of, appointing a committee of conference with this and the eastern States, relative to the condition of the paper currency, ... 994
27. Answer of Council of Safety, transmitting resolutions appointing a committee to confer with committee of, 1002, 1003, 1009
28. Letter from Hon. Artemas Ward, President of Council of, Safety of this State, informing of the number of militia sent from that State, to reinforce the northern army, ... 1041

MATROSSES.
1. Recommendation by Provincial Congress of the organization of four companies of, for the occupation of the forts on the Hudson river, ... 177
2. Resolution of Continental Congress for raising a company of, for defence of the fortifications at the Highlands; and appointment of committee by Provincial Congress for arrangement of, ... 191
(See Grennel, Capt. John 4.)

McCLAUGHRY, COL. JAMES.
1. Letter from, fixing the place of rendezvous of this regiment, in case of an alarm, ... 274

McLEOD, WILLIAM, (Ensign 52d regiment of foot at Boston.)
1. Committee of city of New-York, directed by Provincial Congress, to take prisoner, and sent to Elizabethtown; and instructions respecting treatment of, ... 68, 69

McCUNE, WILLIAM.
1. Appointment of, as first lieutenant in Captain Elisha Benedict's company, in place of Samuel Fletcher, who was in the army at Cambridge, ... 84, 95

McDONALD, ALEXANDER.
1. Order of Provincial Congress for arrest of, for concerting measures, and employing agents to enlist men against the liberties of the country, ... 43
2. Report of committee concerning, ... 44

McDONALD, ANGUS.
1. Order of Provincial Congress, for arrest of, for offering bounties, and enlisting men to be employed against the country, ... 41
2. Arrest, examination and deposition of, ... 42, 43
3. Sent to Gen. Wooster's camp, for safe keeping; letter accompanying, ... 43

PAGE.

McDONALD, ANGUS—Continued.

4. Copy thereof delivered to member of New-Jersey Congress, 45
5. Gen. Wooster's letter in answer, 45
6. Letter from, complaining of his confinement; and relaxation ordered, 81
7. Letter from, complaining of ill treatment by one of the riflemen, 107
8. Letter from Thaddeus Burr, sheriff of Fairfield county respecting imprisonment of, 158

McDONALD, JOHN. (See Lead Mines, 2, 4.)

McDONALD, RANNALD, (Sergeant of 26th regiment.)

1. Letter from, 112

McDOUGALL, ALEXANDER.
(See First Regiment.)

1. Appointment of, as colonel of first regiment, 62
2. Authorized to fill vacancies in, below rank of captain, 65
3. Order for delivery of beds, blankets, &c, to, 68
4. Order for reduction in length of muskets provided for; and for making of ramrods, 75
5. Order on Treasurer for payment to, of certain moneys received from general committee of N. Y. 79
6. Authorized to take wood from barrack yard, 83, 84
7. To take possession of lower barracks; provisions directed to be supplied, &c. 85
8. Order for delivery of quantity of pouches, belts and slings to, 87
9. Authorized to borrow money for payment of troops, 94
10. Letter from Provincial Congress to Gen. Schuyler, communicating information of embarkation for Albany of four companies belonging to regiment of, under command of Lieut. Col. Ritzema, 103
11. Ordered with the men under his command to proceed to Albany, 105
12. Commissary directed to reserve arms for, 110
13. Captain John Lamb's company of artillery directed to form part of regiment of, 114
14. To employ Thomas Oakes, Jr. a tinman, to proceed to Ticonderoga, 128
15. Requisition on Treasurer in favour of, for advances for use of regiment of, &c... 132, 134, 161, 188, 253, 355, 369, 393, 402
16. Directed to prepare cartridges for public defence, 193
17. Directed to send Captains Grennel and Ledyard, with their companies, for the defence of the fortifications at the Highlands, 194
18. To apply to Capt. Anthony Rutgers for cannon, and to forward the same to Gen. Washington, 240
19. To prepare cannon at King's Bridge, for use, 256
20. Authorized to advance money to wife of John Lamb, in part pay for his services in Canada, 373
21. Letter from Committee of Safety to, informing of the disposition of troops from Orange and Ulster counties, under the command of Gen. George Clinton, for co-operation with Gen. Lee, &c. in harrassing the movements of the enemy in New-Jersey, 747
22. Letter from, to Committee of Safety, relative to delivery of the public arms; and informing of the movements of the army under Gen. Heath, 781
23. Answer of Committee of Safety, 785
24. Reply of Gen. McDougall, 788
25. Letter from, transmitting sundry prisoners of war, 796
26. Appointment of, and instructions to committee to visit and confer with, relative to the reinforcement of the garrison at the Highlands, and the number and the duty of the forces in Westchester county; report of committee, 813, 816, 831, 832
27. Requested to detach a portion of the forces under his command to the protection and defence of Westchester county, 821
28. Report of, relative to the strength and condition of the posts at the Highlands, 832
29. Letter from Convention to, thereupon, 840, 841
30. Directed to provide for the security and protection of Westchester county, 869
31. Letter from, transmitting proceedings of court martial on trial of Simon Mabee, as a spy, 883
32. Letter from, relative to calling out the militia to reinforce the forts and passes in the Highlands, and of the presence of several of the enemy's ships at or about Fort Washington; also transmitting the proceeding and sentence of a general court martial in cases of John Williams, Job Babcock, Anthony Hill and Thomas Barker, for treasonable correspondence with the enemy, 901, 902
33. Letter from Convention to, reprieving John Williams, 915
34. Letter from, recommending the granting of a pardon to Anthony Hill; pardon granted, 916
35. Requested to negociate for a mutual exchange of personal property in the possession of either army, and belonging to persons in the other, 939
36. Letter from, transmitting the proceedings of court martial against John Likely and others; and answer of Council of Safety, 965

McIVERS, CHARLES, & Co.
(See Ships and Vessels, 2.)

McKESSON, JOHN.

1. Elected Secretary of Prov. Convention & Congress, 1, 205, 448, 515

PAGE.

McKESSON, JOHN—Continued.

2. Requisition on Treasurer in favour of, for services and disbursements, 441
3. Appointed register of the high court of admiralty, 550
4. Appointed commissary for prisoners of war, 581

MEAD, WILLIAM.

1. Appointment of, as surgeon in Col. Thomas Thomas's regiment of militia in Westchester county, 548

MECHANICS. (See Loudon Samuel.)

1. Presentation to Provincial Congress of address of committee of, requesting instructions to Delegates in Continental Congress to use their utmost endeavours to cause the United Colonies to become independent of Great Britain; and pledging their lives and fortunes in support of such declaration; answer of Provincial Congress, 474
(See Petition, 45.)
(See Resolutions of Convention, 62.)

MEDICINES.

1. Appointment of Drs. John Jones and Treat, to examine and select medicines for use of troops, 94, 210, 285
2. Drs. Jones and Treat requested to make an inventory and valuation of medicines obtained from the stores adjoining Bowden's house in New-York, 123
3. Report of Drs. Jones and Treat, respecting, 239
4. Committee for the despatch of vessels to procure ammunition directed to despatch orders for medicines to the West Indies and to Europe, under the directions of Dr. Jones and Treat, 239

MELFORD, DAVID.

1. Appointment of, by Provincial Congress as muster-master of troops to be raised in Suffolk county, 70

MENEMA, DANIEL.

1. Appointment of, as surgeon's mate in Col. Ritzema's regiment, 424

MERCEIR, CAPT. WILLIAM.

1. Appointment of, to superintend the lading of vessels in the city of New-York, under the direction of Continental and Provincial Congress; and also to superintend the making of carriages for cannon; provision for payment, 267
2. Requisition on Treasurer in favour of, 380
3. Requisition on Treasurer in favour of, for payment of expenses in fitting out armed schooner Montgomerie, 408

MERCHANTS.

1. Of the city of New-York, desired to attend the discussion in the Provincial Congress, on the expediency of the emission of a Continental paper currency, 15
2. Committee appointed to examine list of articles retained by, at request of city committee, and report of, 33, 34
3. Letter from Provincial Congress to merchants of Canada respecting the establishment of a mail route from New-York to Canada, and the views of the confederated colonies, 40
4. Memorial of Peter Clopper and others, respecting the exportation of flaxseed, and resolutions of Provincial Congress, respecting, 106
(See New-York City and County, 59, 60, 64, 133.)
(See France, 1.)

MESSENGERS. (See Shafer, Jacob.)
(See Stephen Joseph.)

1. Order of Provincial Congress respecting payment of, 46
2. Pay of, to Albany, 67
3. Oath of secrecy administered to, 551

MIFFLIN, THOMAS, (Quarter-Master-General.)

1. Letter from, requesting supplies of lumber, &c. for the use of the army, 651
2. Resolutions of Convention therefor, 652

MILITARY COMMITTEE.

1. Appointment of, by Provincial Congress, 91, 96, 306
2. Appointment of committee to prepare instructions for, 306
3. Report of, respecting the expediency of obstructing the navigation of the East river, restricting communication with British ships of war, and regulating the supply of provision, &c. to, 308, 309
4. Report of, respecting companies in Col. Swartwout's regiment of minute men, &c. 314
5. Report of, respecting articles necessary to be provided by the commissary for Colonial troops, 324

MILITARY STORES.

1. Proceedings respecting removal of, from Ticonderoga to the south end of Lake George, 9, 10, 11, 12
2. List of, forwarded by Col. Arnold, 22, 23
3. List of, ordered by Provincial Congress to be forwarded to Ticonderoga, 32
4. Resolution of Provincial Congress, respecting removal of military stores belonging to the Crown, from Turtle Bay, and appointment of committee to direct dispersion of those engaged in such removal; report of committee, 35
5. Coopers permitted to go and put them in repair, 37
(See Powder.)
(See Muskets.)
(See Curtenius, Peter T.)
6. Committee appointed to procure tents to be made, and report of, 45

PAGE.

MILITARY STORES—CONTINUED.

7. Provision for, second regiment, ... 94
8. Sundry articles of, to be provided, ... 97
(See Foster, John.)
(See Suffolk County, 9.)
9. Commissary directed to forward sundry articles of, to Albany, for use of Gen. Montgomery, ... 106
10. Brass kettles, directed to be furnished for use of troops, ... 109
11. Inventory of, taken from stores adjoining Bowden's house, .. 123
(See Hallett, Joseph, 3.)
(See Livingston, Peter Van Brugh, 11.)
12. Appointment of committee to employ and despatch vessels for purchase of; appropriation for, and mode of expenditure, ... 145, 148
13. Col. McDougall authorized to purchase a quantity of cartouch paper for use of counties, ... 225
14. Agreement with Lieut. Jacob Wright, of the company of minute men in Jamaica, for the making of cartouch boxes, . 270, 271
15. Appointment of Richard Norwood as commissary of, for city and county of New-York, ... 290
16. Inventory of, taken out of lower barracks by order of Provincial Congress; order for safe keeping and preservation of, ... 313
17. Order for erection of a magazine or store house for, in the city of New-York, ... 325
18. Order for erection of a magazine or store house for, in the county of Westchester, ... 336
19. Resolution of Provincial Congress, recommending the purchase of blankets, muskets, &c. 354
20. Directions for furnishing sundry articles of, for artillery in the city of New-York, ... 376
21. Appointment of committee to ascertain and make an inventory of, belonging to, or taken from, the Colony, for Continental service, ... 508
22. Order for removal of, from the city of New-York, to the White-Plains, in Westchester county, ... 512
(See Albany City and County, 53.)
23. Order for removal of, from White-Plains to Fishkill, ... 606
24. Account of lead, ball and flints, delivered by commissary of, in pursuance of order of Congress, ... 655
25. Resolution of Committee of Safety, directing an inventory of, belonging to State, &c. 665
(See France.)
26. Appointment of John Lasher, as commissioner of, ... 920
(See Sackett, Nathaniel, 2.)
27. Resolutions of Council of Safety for security of, &c. 1065

MILITIA.

1. Resolutions of Continental Congress for the arming and training of, in the city of New-York, ... 16
2. Provincial Congress to determine the number of men proper to be embodied for the defence of the fortifications at King's Bridge; the manning of the batteries at the Highlands; the posts at or near Lake George, and the defence of the city of New-York; the whole not to exceed three thousand, to be commanded by officers appointed by Provincial Congress, and governed by rules and regulations established thereby, ... 16
3. Pay of; and bounties and clothing not to be allowed to, ... 16
4. Troops, how long to be enlisted for, ... 16
5. Resolution of Provincial Congress, recommending general organization and training of, ... 21
6. Appointment of committee to report arrangement of troops to be embodied for defence of the Colony, and rules and regulations for government of, ... 21, 69, 103
7. Letter from Delegates in Congress respecting arming and disciplining of, and answer of Provincial Congress, ... 30, 32
8. Report of committee relative to arrangement of Colonial militia, ... 104, 114 to 116
9. Companies of, recommended to be furnished in the several cities, towns, manors, precincts and districts; officers of, how to be chosen and vacancies filled, and minute men how to be selected and officered, ... 104, 114 to 116
10. Militia bill, ... 114 to 116
11. Appointment of field officers of Ulster county militia, ... 135
12. Draft of commission to officers of, &c. 141
13. Recommendation to colonels of, to muster their men at convenient rendezvous, when required by any public alarm, and to erect beacons, ... 177
14. Appointment of committee to revise militia law, and report of, ... 224, 228, 230, 231
15. Determination of rank of officers of, in the several Colonies, ... 229, 230, 231
16. Letter to Continental Congress, respecting expediency of permitting choice of officers of, by Provincial Congress in certain cases, ... 246
17. Appointment of committee to revise laws relating to, ... 304
18. Report of, ... 305, 306
19. Letter from Provincial Congress to the several colonels of, directing the holding of their regiments in readiness to march on a moment's warning, ... 337
20. Appointment of committee to consider the state of, and proper disposition for, ... 461
1. Report of said committee, and proceedings of Provincial Congress thereon, ... 478, 479, 486, 487
22. Resolutions of Continental Congress for the raising of reinforcement of, for the army in Canada, and at New-York; quotas of the several eastern and middle States, and of the several counties, ... 482, 483
23. Resolutions of Provincial Congress, relative to the rank and number of, for the reinforcement of the army at New-York, ... 487
24. Resolutions of Convention, ordering into service at the Highlands and at Peckskill, one fourth of the militia of Westchester, Dutchess, Orange and Ulster counties, and providing for the arrangement, pay, bounty and subsistence of, &c. 525, 526, 532
25. Resolution of Convention, forming the militia of the counties of Charlotte, Cumberland and Gloucester into two separate brigades; appointment of brigadier-generals, ... 551, 552
26. Resolution of Convention, exempting troops of horse from drafts in, ... 561
27. Resolution of Convention relative to emoluments in, ... 566
28. Resolution of Convention, for punishment of neglect of duty, disobedience to orders, or resignation of officers of, and for absence or desertion of men drafted in, ... 567
29. Resolutions of Council of Safety relative to emolument of, and for the reinforcement of the northern army and the garrison at the Highlands, ... 1023
30. Resolution of Convention for the more effectual obedience of, to their commanding officers, ... 1071

MILITIA LAW. (See Militia, 10, 14, 17, 18.)

MILLER, CHRISTOPHER.

1. Appointment of, as captain-lieutenant of Capt. Anthony Rutgers' artillery company, in the city of New-York, ... 66

MILLER, ELIJAH.

1. Appointment of, as 1st lieutenant in Capt. Thomas's company, in Col. Drake's regiment of militia, at New-York, ... 526

MILLER, MATTHIAS B.

1. Appointment of, as surgeon to Col. David Sutherland's regiment of militia, ... 755

MINUTE MEN.

1. Provision for selection and command of, ... 104, 114 to 116
2. Appointment of field officers for two regiments of minute men in Dutchess county, ... 135
3. Draft of commission to, ... 152
4. Recommendation to officers of, to fix upon some convenient place for rendezvous, and to erect beacons, ... 177
(See Westchester County, 15, 25, 34, 40.)
(See Dutchess County, 13, 29.)
(See Orange County, 20, 24, 25, 33, 40, 41, 42.)
(See Ulster County, 14, 16, 21, 29, 43.)
(See Suffolk County, 33, 35, 38, 42, 57, 58.)
(See Cumberland County, 12.)
(See Albany County, 45.)
6. Letter to delegation in Continental Congress, respecting pay of, ... 325
7. Letter to the several colonels of regiments of, to be in readiness to repair to the defence of the Colony, ... 337
(See Swartwout, Jacobus, 7, 8.)
8. Order of Provincial Congress relative to enlistment into the Continental service, of men belonging to regiments of, ... 337
9. Resolution of Provincial Congress, declaring regiments of, to be under the command of brigadier-generals of militia, ... 368
(See City and County of New-York, 137, 138.)
10. Order of Committee of Safety to commanding officers of the respective corps of, to permit the enlistment of men from, into the several Colonial regiments, ... 386
(See Humphrey, Cornelius.)
11. Abolition of the order of, ... 479

MITCHELL, THOMAS.

1. Choice of, as 2d lieutenant in Capt. John Sands' company of militia, in Queens county, ... 173

MOBS AND RIOTS.

(See Resolutions of Provincial Congress, 16.)
(See General Association, 4.)
(See Duer, William, 3.)
(See Charlotte County, 2.)
1. Resolutions and proceedings of committee of Cambridge, Hosac and Bennington, discountenancing, ... 147
2. Letter from Committee of Safety respecting, ... 147
3. Resolutions of Provincial Congress, disapproving of certain riots in New-York city, ... 491
4. Resolutions of Provincial Congress, authorizing the suppression of, by calling out the militia, ... 493
(See Ulster County, 67.)

MOFFAT, THOMAS.

1. Appointment of, as major to Col. Isaac Nicoll's regiment, ... 690

MOHAWK INDIANS.

1. Letters and documents from Albany committee, respecting disposition and proceedings of, ... 24, 24

MOHEGAN INDIANS.

1. Receipt of letter from Joseph Johnson, an Indian preacher to, ... 75

MONOPOLIES. (See Engrossing and Monopolies.)

MONTAUCK POINT.

1. Letter from committees of East and South Hampton respect-

PAGE.

MONTAUCK POINT—CONTINUED.
ing exposed situation of, and adjacent places, and requesting troops for defence of, &c. ... 74, 75
2. Letter from Provincial Congress to committees of correspondence of East Hampton and Southold, enclosing copy of letter from Gen. Washington to Gen. Wooster, informing of the sailing of men of war from Boston, and suggesting precautionary measures for defence of, ... 95
(See Suffolk County, 18, 21, 68.)
(See Hulbert, John, 3.)

MONTGOMERY, FORT. (See Highlands.)

MONTGOMERY, RICHARD.
1. Resolution of Provincial Congress, recommending appointment of, as a brigadier-general, ... 31
2. Letter from Provincial Congress to Delegates in Continental Congress, defining the requisite qualifications for a general officer, and recommending as above, ... 32, 33
3. Appointment of, by Continental Congress, as a brigadier-general, ... 63
4. Letter from, requesting the forwarding of military stores, and concerning the proceedings of certain officers in His Majesty's service, ... 105, 106
5. Answer of Provincial Congress, ... 106
6. Letter from, requesting each of the troops forwarded to Ticonderoga may be furnished with a certain quantity of powder, ... 107
7. Letter from Col. Rudolphus Ritzema, detailing the attack on Quebec, and death of General Montgomery, ... 286, 287

MONTREAL.
1. Letter from Albany committee, respecting hostile proceedings of Governor of, ... 54

MONTRESOR, JOHN. (See Ustick, William.)

MOODIE, ANDREW.
1. Appointment of, as adjutant of 3d regiment, in place of Adam Scheoter, ... 158
2. Pay of, when to commence, ... 158
3. Directed to join the army under the command of Gen. Schuyler, ... 158
4. Order for payment of, and arrangements respecting, ... 160

MORRELL, JOHN.
1. Letter from committee of safety of New-burg and New-Windsor, and affidavits respecting conduct of, in opposition to the liberties of the American Colonies, ... 81, 82
2. Sent by Committee of Safety as prisoner, to Col. McDougall's camp, ... 82
3. Liberation of; letter of Provincial Congress to committees of Newburgh and New-Windsor, and admonition to, ... 93

MORRIS, GOUVERNEUR.
1. Election of, as a Delegate to represent this State in Congress, ... 931
2. Letter from, relative to the condition of the New-Hampshire Grants, ... 1011
3. Requisition on Treasurer in favour of, ... 1073

MORRIS, LEWIS.
1. Appointed brigadier-general of the militia of Westchester county, ... 482
2. Directed to march the men drafted from the militia in his brigade to the mouth of Croton river, ... 541
3. Directed to take possession, with his whole brigade, of such part of the Sound and Hudson's river as he may think most exposed to the enemy, ... 566
4. Resolution of Convention, requesting return of, from his seat in Congress, and the resumption of the command of his brigade, ... 672
5. Answer of, ... 654
6. Letter from Committee of Safety to, relative to the same subject, ... 666
7. Vote of thanks to, for his long and faithful services as a Delegate from this State in Continental Congress, ... 931

MORRIS, LEWIS, JR.
1. Appointed brigade-major of the militia of Westchester county, ... 482

MORRISON, MALCOM.
1. Appointment of, as major in regiment of minute men in Dutchess county, ... 135
2. Resignation of, and recommendation of Henry Ludenton in place of, ... 351
3. Letter from, to Provincial Congress, enclosing petition of Archibald Campbell, of Pauling's precinct, in Dutchess county, complaining of forcible outrages committed upon his property, ... 352
4. Requisition on Treasurer in favour of, for payment of battalion of minute men, commanded by, in the city of New-York, ... 441

MEYER, JOHN.
1. Chosen 1st lieutenant in beat No. 29, ... 150
(See Petitions, 51.)

MORRIS, RICHARD.
1. Appointment of, as judge of the high court of admiralty, ... 550
2. Declension of, ... 553, 554

MOSS, CAPT. ISAAC.
1. Requisition on Treasurer in favour of, for pay and subsistence of company of rangers commanded by, in Charlotte county, ... 822

MULFORD, COL. DAVID.
1. Statement of regiment of, in Suffolk county, ... 339

MULFORD, JOB.
1. Appointment of as adjutant of 4th regiment, ... 99
(See Livingston, Peter Van Brugh, 12.)

MURRAY, LINDLEY AND ROBERT.
1. Bond of, for the erection of salt works, and requisition on Treasurer in favour of, ... 456

MURRAY, ROBERT AND JOHN.
1. Proceedings relating to case of, referred to Provincial Congress by Continental Congress, ... 34
2. Resolution of Provincial Congress, restoring them to their commercial privileges and the forgiveness of the public, ... 38
3. Commissary authorized to purchase certain articles of ... 65, 97
4. Letter from commissary, respecting negotiations for, ... 99
5. Letter to committee of Elizabethtown, respecting, ... 99

MURRAY, SANSOM, MURRAY & CO.
(See Ships and Vessels, 1.)

MURRAY, SANSOM & CO.
1. Intercepted letter from, to Rodgers Townsend, merchant, of Goshen, and order of Committee of Safety, for taking and securing property of, within this State, and returning an inventory thereof, ... 789

MUSKETS.
1. Consultation with Henry Watkeys respecting making of, and resolutions of Provincial Congress thereon, ... 30, 41
2. Letter from Robert Boyd respecting making of, ... 39
3. Order of Provincial Congress for transmission of, from the different counties, to committee of city of New-York, ... 57
4. Agreement with Messrs. Watkeys and Boyd, ... 62
5. Order for reduction in length of, &c. ... 75
(See New-York, 26, 31.)
6. Proposition by Committee of Safety, for procuring of, from New-Jersey, ... 85
7. Agreement with Cornelius Atherton for the making of, and bayonets, ... 221, 246
8. Approval and adoption of said contract, by Provincial Congress, and order for advances of money thereon, ... 221, 222, 246
9. Advertisement for proposals for manufacture of, by Committee of Safety, ... 393
10. Contract with Thaddeus Noble for making of, and requisition on Treasurer in favour of, ... 421, 553, 554
11. Directions for purchase of, for use of soldiers, ... 455, 456

MUSTER-MASTERS.
1. Jacobus Swartwout, Col. Phineas Fanning, David Melford, and Timothy Earle appointed by Provincial Congress, as, 70
(See Holmes, James.)
(See Lent, Peter.)
(See Clinton, James.)
(See Van Cortlandt, Philip.)
(See Cooper, Gilbert.)
(See Wynkoop, Cornelius D.)

MUSTER ROLLS.
1. Of second regiment, returned and filed, ... 108
2. Of Capt. Rufus Herrick's company, ... 112
3. Of Capt. Andrew Billings' company, ... 112
4. Of Capt. Lewis Dubois's company, ... 112
5. Of Capt. Henry B. Livingston's company, ... 112

N.

NASSAU ISLAND.
(See New-York City and County, 107.)
(See Tories, 28.)
(See Washington, George, 56.)
(See General Officers, 6.)
1. Resolutions of Convention, relative to the removal of the stock from, ... 533, 534, 588
2. Appointment of officers of the troops to be raised for that purpose, ... 534
3. Letters to Delegation in Congress, and to Gen. Washington, respecting the protection and disposition of the stock on, ... 534
4. Landing of British troops at, ... 585
5. Appointment of committee to confer with Gen. Washington relative to the state of, ... 593
(See Woodhull, Nathaniel.)
(See Connecticut, 49, 50, 51.)
(See Long Island.)
6. Appointment of committee to devise ways and means for obtaining a reimbursement of the moneys paid by this State for the transportation of stock, and effects from, ... 789

NATURALIZATION OF FOREIGNERS.
1. Proceedings of Convention, in framing a constitution relative to, ... 851, 852, 853, 860, 861, 862

NAUTILUS, SHIP. (See Lott, Abraham, 7.)

NAVIGATION, OBSTRUCTION OF.
(See Hudson River.)
(See East River.)

PAGE.

NEGROES. (See Queens County, 14.)

NEW-BRUNSWICK.

1. Letter from chairman of committee of, requesting return of powder loaned, &c. 203
2. Letter from John Dennis, transmitting supplies of powder, .. 221

NEWBURGH AND NEW WINDSOR.
(See Orange County, 7, 9.)

NEWFOUNDLAND FISHERY.

1. Resolution of Provincial Congress, prohibiting vessels from any British port, sending to, to load certain articles of provisions, &c. 67

NEW-HAMPSHIRE.

1. Letter to committee of correspondence for Colony of, respecting the fortress of Ticonderoga, ... 14
2. Quotas of militia of, directed by Continental Congress to be raised in, for the reinforcement of the army in Canada, and at New-York, ... 482
3. Movement of militia of, to join the grand army, ... 671
4. Resolution of committee of Safety, requesting general court of, to advance money to Egbert Benson, an agent for soliciting the reception of prisoners by, ... 708
(See Wheelock, John.)
5. Letter from chairman of Committee of Safety of, informing of the number of militia sent from that State, to reinforce the northern army, ... 1041

NEW-HAMPSHIRE GRANTS.

1. Letter from William Duer and committee of Manchester, in Charlotte county, respecting combination of people on, to stop courts of justice at Fort Edward, ... 71, 72
(See Green Mountain Boys, 3, 6.)
(See Allen Ethan, 4.)
(See Cumberland County.)
(See Gloucester County.)
(See Vermont.)

NEW-JERSEY. (See Elizabethtown.)

1. Letter from Provincial Congress, desiring the establishment of a correspondence with Provincial Congress of New-York, ... 16
2. Answer of Provincial Congress, ... 17
3. Letter from Committee of Safety to committee at Brunswick, in, respecting transportation of flour from, for use of British troops at Boston, ... 85
4. Answer of Committee, ... 97
5. Letter to Committee of Safety of, requesting the adoption of measures for apprehending and furnishing deserters; answer of committee, ... 157, 169
6. Letter from Provincial Congress to Congress of, respecting the best mode of communicating intelligence, and receiving assistance in case of invasion, ... 177
7. Answer of chairman of Trenton committee, ... 200
8. Letter from President of Continental Congress to Provincial Congress, requesting the furnishing of arms to troops raised in, for defence of the city of New-York, to be sent to Lord Stirling commander of the forces in, ... 202
9. Examinations of sundry prisoners transmitted by Committee of Safety of, to Committee of Safety of New-York, 256, 257, 258
10. Receipt of letter from Samuel Tucker, President of Provincial Congress of, transmitting resolutions relating to the trade of that Colony, ... 288
11. Letter from Committee of Safety to Provincial Congress of New-Jersey, requesting them to send Col. Herd's regiment of minute men to Staten island, to prevent depredations on the stock, ... 290
12. Letter from Committee of Safety to committee of Elizabethtown, to despatch a portion of militia of, to Staten island, 291
13. Answer of Provincial Congress of, ... 299
14. Letter to Col. Herd, conveying the thanks of the Provincial Congress for his services in the defence of Staten island; and discharging him from duty, ... 306
15. Resolution of Provincial Congress of, repealing their embargo on provisions, ... 330
16. Letter to Provincial Congress of, requesting them to order their minute men and militia to be in readiness for service on the first notice of invasion, ... 336
17. Resolution of Provincial Congress of New-York, for dismantling the lighthouse at Sandy Hook, ... 336
18. Instructions to Maj. Wm. Malcom therefor; and letter from New-York Provincial Congress, in committees of inspection and observation in, relative to, ... 342
19. Letter from committee of Essex county in, relative to pay and provisions, &c. of their militia ordered into New-York by Lord Stirling; and answer of Provincial Congress, ... 360
20. Letter to Provincial Congress of, requesting them to recommend the forwarding of supplies to New-York, ... 397
21. Letter from President of Committee of Safety, informing of the arrest and examination of three persons belonging to Westchester county, ... 418
22. Letter from chairman of New Brunswick committee, accompanying the transmission of said prisoners to New-York, . 423
23. Quotas of militia of, directed by Continental Congress, to be raised in, for the reinforcement of the army in Canada and at New-York, ... 482
24. Letter from Provincial Congress to President of Congress of, transmitting examinations, &c. relative to the defection of sundry persons in Bergen county, in, ... 485
25. Letter from President of Congress of, transmitting a resolutios of said Congress authorizing the apprehension of inhabitants of New-York, residing in, and informing of the appointment of committee of secrecy, &c. 521
26. Letter from Convention to chairman of committee of Monmouth county, in, transmitting examination of Balthazar De Hardt, relative to conduct of tories in said county; answer of committee, ... 544, 586
27. Letter from Convention to President of Convention of, ... 544
28. Letter from Brig. Gen. William Livingston, of, communicating information of an intended attack by the British troops on Bergen Point, Elizabethtown and Amboy, ... 556
29. Letter from Committee of Safety to Gov. Trumbull of Connecticut, and Gen. Schuyler, informing of the presence of Gen. Howe, at Brunswick, and Gen. Washington at Trenton; and requesting a reinforcement in, &c. 745
30. Gen. George Clinton directed to co-operate with Gens. Lee and Gates, in harrassing and distressing the enemy in, ... 746
31. Letter from Gen. George Clinton, transmitting information of the battles of Trenton and Princeton, ... 765

NEWKERK, JACOB.

1. Appointment of, as major of Ulster county militia, ... 135

NEW LEVIES.
(See Schuyler, Philip, 34.)
(See Officers, 14.)
(See New-York Battalions.)

NEWSPAPERS.

1. Resolution of Convention, authorizing the forwarding of, published in the States of Pennsylvania, New-Jersey, Connecticut and Massachusetts, for the use of Convention or Committee of Safety, ... 689
2. Resolutions of Convention, for the dissemination of intelligence by means of, &c. 694

NEW-YORK BATTALIONS.

1. Resolutions of Continental Congress, directing the raising of four additional regiments in, for defence of Colony, under Continental pay, ... 265, 266
2. Circulars from Committee of Safety and Provincial Congress, to the various county committees, respecting the enlistment of men and appointment of officers, ... 269, 308
3. Instructions to recruiting officers, ... 269
4. Advance of $12,000 by Continental Congress, to aid in promoting enlistments and raising such battalions, ...
5. Appointment of committee to determine the quota of men and officers to be raised in the several counties; report of, . 333, 306, 307
6. Nomination of field officers for, ... 328
7. Acceptance of the proposals of Abraham Livingston, for victualling, ... 360
8. Letter from delegation in Continental Congress, respecting the organization, arrangement, and officers of, &c. 379
9. Directions to commissary, respecting uniforms of, ... 385
10. Letter from Committee of Safety to Gen. Washington, respecting the number of troops in; their condition; and transmitting list of field officers of, and statement of accounts of general officers, ... 420, 421
11. Letter from Gen. Washington to Committee of Safety, respecting command of, ... 422
12. Albany and Tryon counties assigned to the command of Col. Wynkoop, ... 424
13. Companies assigned to Col. Clinton's regiment, ... 424
14. Letter from James Duane, Esq. chairman of the superintendents of the Continental treasury, requesting information as to the allowances made to, ... 452
15. Order of Prov. Congress for raising two additional battalions, 467
16. Letter from John Hancock, transmitting resolutions of Continental Congress appointing Major Duboys colonel of additional regiment directed to be raised in, with instructions to raise such regiment to serve for three years, or during the war; and also appointing subordinate officers of, ... 510
17. Letter from Convention to Continental Congress, relative to such nomination of officers, ... 520
18. Report of committee and resolutions, &c. relative to arrangement of officers of, and the propriety of organizing an additional battalion of; list of officers of, &c. 712, 713
19. Requisition on Treasurer in favour of colonels of, for amount due for bounties to the troops, ... 713
20. Letter from Committee of Safety to Continental Congress, relative to organization of, and requesting permission to organize an additional battalion, ... 715
21. Resolution of Continental Congress, authorizing the formation of an additional battalion, ... 747
22. Letter from Committee of Safety to Continental Congress, relative to the state of, &c. 783
23. Resolutions for bounty to recruiting officers in, for their expense and trouble, ... 829
24. Proceedings of Convention on report of committee for filling up, &c. 863
25. Resolutions of Convention, authorizing and providing for the employment of substitutes, for three years, or during the war, ... 863, 864
(See Wheelock, John.)

PAGE.

NEW-YORK, CITY AND COUNTY OF.

1. Names and credentials of Deputies from, to first Provincial Convention, ... 1
2. Proceedings of Convention relative to Isaac Low, a non-attending Deputy from, ... 3, 4
3. Letter from committee of, to the counties, requesting the election of Delegates to a Provincial Congress, ... 5
4. General association agreed to, and subscribed by the freeholders, freemen and inhabitants of, ... 5
5. Names and credentials of Deputies from, to first Provincial Congress, ... 7, 36
6. Merchants and others, inhabitants of, desired to attend Provincial Congress, on the discussion of the report on the subject of the emission of a Continental paper currency, 15
7. Resolution of the Continental Congress, respecting the defence of, and the arming and disciplining of the militia of, ... 16
8. Fortifications at King's Bridge, ... 16
9. Committee of Provincial Congress appointed to examine and report thereon, ... 20
10. Petition of Capt. Samuel Tudor, of independent company of artillery in, for ammunition and carriages, received and granted, ... 24
11. Resolution of Provincial Congress, relative to embarkation of British troops from, ... 28
12. Committee appointed to examine list of articles retained by merchants of, at request of city committee; report of, ... 33, 34
13. Proceedings on motion of Messrs. Scott and Tredwell, relative to the dismantling of fort in, and securing certain implements and other accommodations for war therein, ... 35, 37
14. Appointment of secret committee to ascertain the quantity of saltpetre in the hands of apothecaries of, ... 36
15. Appointment of committee to ascertain and report the quantity of the several articles retained by merchants in, necessary for equipping three thousand effective men, ... 36
16. Report of quantity of gunpowder remaining unsold in, ... 36
17. Directions of Provincial Congress respecting, ... 36
18. Order of Provincial Congress for application of certain portions of money raised by subscription, by committee of, to payment of Robert Boyd and Henry Watkeys, for musket and bayonet making, ... 41
19. Organization of Captain Anthony Rutgers' company of artillery in, from marine society, and appointment of officers of, ... 41, 66
20. George Campbell and his servant maid, Elizabeth Raudon, sent for by Provincial Congress, for information respecting certain ammunition in a store near the Battery, ... 43
21. Order of Provincial Congress to Alderman Filkin, to search a store near Bowden's house, for gunpowder lodged there contrary to law; report of, ... 44
22. Report of committee relative to loan of money to city committee, ... 45
23. Letter from Provincial Congress to committee of, respecting the collection and purchase of saltpetre, sulphur and brimstone, ... 50
24. Gerard Bancker and others requested to have barracks in, prepared for the reception of troops, ... 50, 53
25. Recommendation of Provincial Congress to general committee of association of, to take effectual measures for preventing the spread of smallpox, ... 50
26. Order of Provincial Congress for the transmission of muskets and bayonets from the several counties, to committees of, ... 57
26. Order and resolutions of Provincial Congress and Committee of Safety, for delivery of muskets, bayonets, &c. belonging to corporation of, to committee appointed for that purpose, ... 66, 69
27. Resolution of Provincial Congress, declaring an intended address, from corporation of, to Governor Tryon, improper, ... 66
28. Appointment of committee to convene all the blacksmiths in, for the purpose of consulting relative to the making of gun barrels, bayonets, &c. 67
29. Communication from committee of, respecting arrest of William McCleod, ensign of 52d regiment of foot, at Boston, and instructions to, by Provincial Congress, to send as a prisoner of war to committee of Elizabethtown, and to treat with lenity, ... 68, 69
30. Appointment of members of Committee of Safety for, ... 69
(See Herring, Peter.)
31. Estimate of the value of muskets and bayonets belonging to the corporation of, requested of mayor of, ... 75
32. Treasurer authorized to pay over to Colonel McDougall certain sums received from general committee of association in, ... 79
33. Order of civil magistrates of, with approbation of Committee of Safety, for the building of a boat to replace that belonging to the crew of the ship Asia, ... 81
34. Recommendation for appointment of Ebenezer Hazard, as postmaster at, ... 90
35. Directions to general committee of association at, to take into consideration the papers relating to George Coffin's vessel and cargo, ... 99
36. Directions to, for examination and report relative to destruction of barge belonging to ship Asia, ... 102
37. Resolutions of Provincial Congress, directing mayor and magistrates of, to build a barge to replace the one belonging to ship Asia, and destroyed, ... 103, 104
38. Memorial of Peter Clopper and others, merchants of, relative to exportation of flaxseed, and resolution of Provincial Congress thereon, ... 106
39. Report of committee relative to destruction of the barge of ship Asia, ... 110
40. Letter from General Washington, informing of the apprehended movement of British troops from Boston to New-York, ... 109
41. Gen. Wooster ordered to return to camp at Harlem, ... 110
42. General committee of, directed to make inquiry and report relative to the sailing of a vessel cleared for St. Croix, with provisions on board for use of British army at Boston, ... 111
42. Appointment of committee to employ boats to sail eastward, for the purpose of discovering any fleet coming towards; authorized to insure such boats against seizure, &c. 110, 111, 113
43. Cannon on the Battery at, to be employed for defence of the fortifications at the Highlands, on the Hudson river, .. 113, 114
44. Resolution prohibiting further removal of cannon or stores from Battery, and for strengthening the guard and protecting the Governor's house, ... 122
45. Inventory of articles taken from the stores adjoining Bowden's house, in, ... 123
46. General committee of, requested to meet daily, for the transaction of business 123
47. Appointment of committee to search house of Linten, the innkeeper, at the sign of the Blue Bell, for baggage and papers of Alexr. Bell, and disposition of, ... 129
48. Gabriel W. Ludlow authorized to make disposition of powder in, ... 129
49. Letter from David Burger, in Partition-street, complaining of sundry persons in Richmond county, for supplying a transport with live stock, ... 132
50. Firemen of, exempted from military night watch, or military duty out of, ... 135
(See Records, 1.)
51. Committee of, directed to search for and purchase spare arms, ... 137
52. Reference to committee of, of application from William McAdam, for permission for sloop Jean to proceed to sea, and also of examination of Alexander Bell, ... 138
53. Committee of, requested to account for moneys borrowed for use of Colony, ... 140
54. Certificate of Isaac Stoutenburgh, of the taking of muskets, &c. from the City Hall and his house, at the time of receiving accounts of the Lexington battle, ... 141
55. Quakers residing in, ordered to deliver lists of the males, between 16 and 60, belonging to their society; refusal of, .. 141
56. Mayor of, requested to demand the immediate discharge of William Becker, a citizen of, confined in irons on board the ship Asia, ... 143
57. Memorial of officers or foremen of firemen in, praying for exemption from military duty, and disposition of, ... 142
58. Appropriation to sub-committee of, to discharge debts for money borrowed for public exigencies, ... 146, 147
59. Permission to Elias Nixon, merchant of, to go to Boston, to obtain payment of moneys due to him, and certificate in favour of, ... 147
60. Permission to William Remsen and John A. Remsen, merchants and lieutenants of militia in, to proceed to Cambridge, ... 150
60. Information by mayor of, of communication from Governor Tryon, informing him of the receipt of letter from Lord Dartmouth, apprising him of orders to the commanders of His Majesty's ships in America to consider cities or places raising troops or erecting fortifications, &c. as in a state of rebellion, ... 152
61. Appointment of committee to wait on the Governor, and request an extract of Lord Dartmouth's letter, or its exact purport, ... 153
62. Monsieur N. Perree, an elderly gentleman and invalid in, excuses from military duty, and from serving on night watch, ... 159
63. Petition of Col. Lasher and others, militia officers in, that militia may be ordered to train at least once a week, for three months, ... 159, 160
64. Proposal of a merchant of, to load 500 bbls. of flour to Hispaniola, and bring gunpowder in return, ... 166
65. Directions to wardens of port of, to value pilot boat Bishop of Landaff, owned by Francis James, employed in public service; estimate, ... 176, 177
66. Letter from John Hancock, President of Continental Congress, communicating information of apprehended attack upon, and requesting the removal of all the sulphur therein; and resolutions of Provincial Congress thereon, ... 183
67. Appointment of committee to devise ways and means for safety of women and children in, in case of necessity, ... 185
68. Assurances of Provincial Congress of provision for safety of citizens of, in case of invasion, ... 187
69. Letter to Continental Congress, respecting exportation of produce from, &c. 187
70. Resolution of Continental Congress, for the ascertainment of hostilities committed by ministerial troops and navy in

PAGE.

NEW-YORK, CITY AND COUNTY OF—CONTINUED.

America, communicated to committee of, for detailed information respecting, ... 187

71. Resolution of Continental Congress, recommending Provincial Congress to take possession of blankets and shirts remaining in the King's stores in, and forward the same, or as many as may be necessary, to Gen. Schuyler, for the use of his army; letter from Provincial Congress relating thereto, ... 188, 190

72. Examinations of Thomas Pearsall and Peter T. Curtenius, relative to the raising of the price of certain goods referred to committee of, for inquiry, &c. 193, 195

73. Anonymous letter from Philadelphia, informing of the probable destruction of, and offering to prepare fire vessels for defence of, ... 200

74. Letter from Cornelius Clopper, one of Delegates from, to Provincial Congress, resigning his office, ... 200

75. Letter from President of Continental Congress to Provincial Congress, requesting supply of arms to troops raised in New-Jersey for defence of, to be sent to Lord Stirling, .. 202

76. Letter from Theodorus Van Wyck, one of the Delegates elected for, to Provincial Congress, excusing his non-attendance, ... 203

77. Names and credentials of Deputies to second Provincial Congress, ... 208

78. Doorkeeper ordered to wait upon Deputies from, and desire them to take their seats in Provincial Congress, or assign reasons for non-attendance, ... 208

79. Recommendation by general committee of William Leary as town-major, and appointment of, ... 209

80. Recommendation by general committee of Peter Pra Van Zandt as first major, and Patrick Welsh, adjutant, of regiment of militia in, ... 209

81. Petition of general committee of, relative to seizure of types in, by a body of troops from a neighbouring Colony; appointment of committee thereon, ... 210

82. Report of committee, and proceedings thereon, ... 213

83. Letter to Governor of Connecticut respecting, ... 213, 214

84. Application of committee of, for loan of money from Provincial Congress; order of Provincial Congress thereon, ... 227

85. Commissions ordered to officers of Col. Heyer's regiment and battalion, in, ... 227

86. Proceedings in Case of John Blackler, referred by committee of, to Provincial Congress, ... 227, 228, 229

87. Appointment of committee to purchase, arm and fit out a proper vessel to be maintained in the East river or Sound, to prevent persons inimical the liberties of the American Colonies from supplying the ministerial army and navy with provisions, ... 228

88. Committee of Safety authorized to apply £1,000 to relief of indigent poor in, ... 231

89. Information communicated by committee of, to Provincial Congress, relative to supposed importation of British goods from St. Eustatia, ... 239

90. Return of officers of beat No. 13, in, ... 242

91. Return of officers of beat No. 14, in, ... 243

92. Information of condition of regiments of Cols. Lasher, Heyer, and Lott, communicated to Provincial Congress, and order for regular supplies of powder, ... 244

92. Proceedings of Provincial Congress in the case of Benjamin James, chosen captain of one of the militia companies in, and refusing to subscribe declaration, ... 246

93. Order for arrest of Alexander Leslie, on charge of traitorous correspondence with enemy, ... 252

94. Troops of Lord Stirling directed to be stationed in, and Garret Roorback appointed barrack-master, ... 254, 255

95. Letter from Committee of Safety to Maj. Gen. Lee, relative to apprehended march of troops of, to, and answer of General Lee, ... 258, 266

95. Appointment of committee for employment of industrious poor in, in spinning and manufactures, and appropriation therefor, ... 264

96. Communication by sub-committee of, relative to the expediency of organizing a regiment for defence and protection of the city, in lieu of the military night watch; and to the lading of vessels without certificates, ... 264

97. Appointment of Capt. William Mercein to superintend lading of such vessels, and provision for payment of, ... 267

98. Resolutions of Provincial Congress, relative to supply of provisions for, &c. 269

99. Arrangements for reception of Maj. Gen. Lee, on his arrival in, ... 270

100. Proceedings of committee of Continental Congress, appointed to inquire into the expediency of expedition of Gen. Lee, for defence of, and order for admission with his troops, ... 277, 278

101. Letter from Col. Waterbury, relative to accommodation of Gen. Lee's troops, ... 278

102. Application from sub-committee of, relative to the exportation of flaxseed in exchange for powder, and to the examination and inspection of such exports, ... 280, 281

103. Order for certificate for amount in value of Isaac Governeur's exports, ... 281

104. Employment of John Ramsey, in the manufacture of linen and tow cloth in, ... 281, 282

105. Direction for the purchase and distribution of wood, to the necessitous poor in, ... 282

PAGE

NEW-YORK, CITY AND COUNTY OF—CONTINUED.

106. Examination and proceedings of Committee of Safety on receipt of information of the arrival of transports in the harbour of, with Gen. Clinton and British troops; conferences with Hon. Hugh Wallace and mayor, relative to the apprehended arrival of British troops; and arrangements with committee of Continental Congress and Gen. Lee, for the protection and defence of the city, ... 282, 283

107. Conference between Committee of Safety, General Lee, and committee of Continental Congress, relative to the erection of fortifications on Nassau island and near Hellgate, for the protection of, ... 284

108. Letter from chairman of committee of, to Committee of Safety, respecting application for provisions for ship Asia, &c. and answer of Committee of Safety, ... 285

109. Resolution of Committee of Safety, authorizing Gen. Lee to call to his aid the minute men of the Colony, in addition to Lord Stirling's and the two Continental regiments, for the defence of, ... 288

110. Accounts for wood and necessaries for the poor in, audited and allowed, ... 288

111. Appointment of Richard Norwood as commissary of military stores in, ... 290

112. Appropriation of £200 for the purchase and distribution of provisions, &c. for the poor of, ... 290

113. General committee of, directed to cause the place of seven Delegates in Provincial Congress who have not taken their seats, to be supplied by election, ... 296

114. Permission to His Majesty's council, the magistrates of the city, and sundry other officers to go on board His Excellency Gov. Tryon's ship, ... 296

115. Preparations for the reception and accommodation of troops expected from neighbouring counties and Colonies for defence of, ... 301

116. Permission to David Mathews, mayor elect, with other magistrates, to go on board the Dutchess of Gordon, on public business with the Governor. 302

117. Proposition of Gen. Lee, to stop the channel of the East river, between the city and Nutten island, so as not to admit line of battle ships; referred to military committee, .. 307

118. Report of committee thereon; and order of Provincial Congress, respecting communication between inhabitants of, and British ships of war, and the supply of provisions therefor, &c. 308, 309

119. Appointment of Elias Nexen as portmaster of; and salary of, ... 309

120. Return of election of Deputies in Provincial Congress for, . 314

121. Return of officers elected in militia company in, ... 316

122. Appointment of John Tarper, as overseer or wagon master of cartmen employed for the service of the Continental troops in, ... 319

123. Letter from Wm. Leary, town major, praying for compensation, &c. proceedings of Provincial Congress thereon, . 321, 361

124. Proceedings of Provincial Congress relative to the establishment of a hospital in, ... 323, 327

125. Proceedings of Provincial Congress respecting the erection of works southwest of Trinity church, ... 323

126. Direction for establishment of a store house or magazine for military stores in, ... 325

127. Direction for establishment of a store house for bread, ... 328

128. Resolution of Provincial Congress prohibiting all obstruction in the supply of provisions to inhabitants of, and to Continental army, ... 229

129. Information communicated to Provincial Congress by portmaster, of the seizure of Gov. Tryon's servants; and of the inefficiency of his power to enforce the directions of Congress, ... 332

130. Instructions to barrack master relative to the proper accommodation of troops and officers arriving in, ... 339

131. Directions to Captain William Mercier, to take effectual measures to prohibit the exportation of salt from, ... 343

(See Lee, Charles.)

(See Stirling, Lord.)

132. Requisition on Treasurer in favour of John Ramsey, for employment of industrious poor in, ... 348

133. Petition of Robert Robinson and Michael Price, merchants of, testifying their contrition for selling goods at an advanced price, in violation of the orders of the Provincial Congress, and requesting a resolution to favour; certificate granted by Provincial Congress, ... 349

134. Regulations agreed to, between Lord Stirling and committee of Provincial Congress, for defence of, ... 360, 361

135. Resolution of Continental Congress requesting the Governor of Connecticut, and the Conventions, &c. of New-York and New-Jersey, to hold their militia in readiness to march to defence of, whenever desired by Continental commander, ... 370, 375

136. Return of election of Elias Brevoort as captain in the third regiment in, ... 370

137. Offer of service of second battalion on regiment in, as minute men, ... 372

138. Acceptance of, and terms of engagement, ... 373

139. Return of cannon in, fit for service, &c 374, 375

140. Resolutions of Continental Congress, directing sundry battalions to repair to, &c. 375

141. Directions for furnishing sundry artillery stores for defence of, ... 376

PAGE.

NEW-YORK, CITY AND COUNTY OF—CONTINUED.

142. Appointment of Brig. General Thompson, to take command in, ... 379
143. Permission to Jacobus Van Zandt and Isaac Sears, to export produce from, in exchange for military stores imported by, from Amsterdam, ... 380
144. Appointment of committee to muster troops at the fortifications at Hell Gate and Horn's Hook, ... 383
145. Leads ordered to be taken from the window cases of the City Hall, and from the Exchange in, for the public service, ... 384, 511
146. Letter from Brig. Gen. Thompson to Committee of Safety, respecting protection of furniture belonging to persons leaving the city, ... 393
147. General committee of, authorized to permit the exportation of bar iron, ... 397
148. Conference with Col Mifflin, quarter-master-general, relative to accommodations for troops in; and order of Committee of Safety thereon, ... 399, 400
149. College buildings converted into barracks, ... 400
150. Request of Gen. Washington for the suppression of taverns and tippling houses in, as tending to debauch the soldiery; and order of Committee of Safety therefor, ... 408
151. Directions to Alexander Moncrief, to receive into his custody prisoners committed by order of general committee of, 412
152. Recommendation of Gen. Washington for the establishment of signals to give information of the approach of the enemy; and the appointment of corps of minute or militia men, to repair to such stations on any alarm, ... 412
153. Instructions to Alexander Moncrief, relative to custody of prisoners committed to charge of, and to the police of the prison, ... 416, 417
156. Resolution of Provincial Congress, ordering return of inhabitants of, to the city, and prohibiting all persons from departing from, without permission; reconsideration of, 438, 466
157. Names and credentials of Delegates from, to the third Provincial Congress, ... 448
158. Letter from Gen. Putnam to Provincial Congress, informing of the inoculation of sundry persons in, for the smallpox, by Doctor Betts; general committee of, directed to investigate the matter, &c. 459
159. Report of committee; and order of Provincial Congress thereon, ... 461
160. Report of committee respecting the appeal of Andrew Gautier, Jr. from, to Provincial Congress, on charge of refusing to receive in payment the Continental paper money; order for appearance of said Gautier, ... 461
161. Report of committee respecting the conviction of Thomas Harriot, on a similar charge; and order for commitment of said Harriot, ... 465
162. Return of election of officers in the out ward, in, ... 469
163. Resolution of committee of, prohibiting the demand of gold or silver in preference to Continental bills, ... 470
164. Examination on appeal of Andrew Gautier from decision of general committee of, on charge of refusing Continental money; and order of Provincial Congress pardoning and absolving him from said office, ... 473, 474, 473
165. List of tories in, and resolutions of Provincial Congress respecting proceedings against, ... 476, 475
166. Examination on appeal of Thomas Harriot, from decision of general committee of, on charge of having refused Continental money; decision confirmed, ... 488
166. Requisition on Treasurer in favour of the justices and vestrymen in, for the purpose of providing for the poor in, ... 489
167. Resolution of Provincial Congress disapproving of certain riotous and disorderly conduct towards the tories in; and authorizing suppression of, ... 491, 492
168. Letter from Lieut. Davidson, on board the armed schooner Gen. Schuyler, informing of the sailing of General Howe, with the British fleet from Hallifax, for, ... 509
169. Adjournment of Provincial Congress, and order for removal of public treasures, records and military stores from to White Plains, in Westchester county, in apprehension of an attack on the city, ... 512
170. Appointment of committee to report the proper places for the reception and means of support of the poor inhabitants of, ... 518
171. Names and credentials of Deputies from, to fourth Provincial Congress, at White Plains, ... 519
172. Resolution of Convention, authorizing the abandonment of, at the discretion of the Commander-in-Chief; and the withdrawal of the troops from, to the north side of King's Bridge, ... 524
173. Resolution of Convention prohibiting the exportation of provisions from the port of, under penalty of forfeiture of vessel and cargo, ... 537
174. Letter from committee of, complaining of the high prices at which Bohea tea is sold in, ... 553
175. Letter from committee of, complaining of the inefficiency of the police in, ... 553
176. General committee of, directed to furnish Gen. Washington with the telescope belonging to the college at; and resolutions of Convention for indemnifying the governors of the college therefor, ... 556, 559
177. Letter from committee of, respecting the right of, to elect Representatives from, ... 557

PAGE.

NEW-YORK, CITY AND COUNTY OF—CONTINUED.

178. List of houses in, authorized to be employed for the use of the general hospital, ... 568
179. Letter from Gen. Washington, recommending the removal of the women and children from; and resolutions of Convention therefor; and for the relief of the indigent and infirm inhabitants of, ... 578
180. Letter to General Washington respecting rumour of the burning of, ... 584, 588
181. Order for removal of the post office from, to some convenient place near Dobb's Ferry, in Westchester county, ... 602
182. Resolution of Convention authorizing Gen. Washington to cause all the bells in the churches and other public edifices in, to be taken down and removed to Newark, in New-Jersey, to prevent their falling into the enemy's hands, ... 610
183. Resolution of Convention authorizing Committee of Safety and correspondence in, to take from the doors of the houses in, the brass knockers, and forward the same to Newark, ... 613
184. Evacuation of, by the American army, ... 629
185. Intelligence of a great fire at, ... 641
186. Letter from Gen. Washington, containing a particular account of the manœuvres of the enemy on their landing, at and of the behaviour of our troops, &c. 642
187. Appointment of committee to inquire relative to the safety and preservation of the records of, ... 692
188. Loan office books and seal of, directed to be delivered to Treasurer, in consequence of a vacancy in the office, &c. 699
189. Requisition on Treasurer for moneys advanced on the removal of the poor inhabitants from, ... 729
190. Letter from chairman of Westchester committee, relative to the disposition of poor sent from, &c. 767
191. Examination of Mrs. Hannah White, wife of Sergeant White, of Col. McDougall's regiment, relative to the condition of the British troops and Hessians in, &c. 788, 789
192. Requisitions on Treasurer for support of indigent inhabitants of, ... 805, 903
193. Appointment of Representatives in Assembly for, ... 918

NICHOLSON, GEORGE. (See Cornell, John.)

1. Letter, on request of, to Delegates in Congress from Maryland, respecting, ... 148, 149
2. Answer of Maryland Delegates, ... 155
3. Petition of, setting forth his former employment as a surgeon and officer in the East India service, and praying for employment or relief, ... 156
4. Letter from, requesting recommendatory letters, as a cadet, &c. 159
5. Order for payment of money to, ... 160

NICHOLSON JOHN.

1. Letter from, informing of the enlistment of a company of seventy-two men; and answer of Committee of Safety, directing him to return said company to Col. Clinton, ... 83

NICHOLSON, MAJ. GEORGE.

1. Application of, for aid in the removal of the baggage of the cadet company under his command, and of the French refugees, ... 885

NICOLL, COL. ISAAC.

1. Field officers of regiment of minute men of, in Orange county, ... 238
2. Letter from, transmitting returns of officers in Captain Hetfield's company of minute men, ... 238
(See Highlands.)
3. Permission to, to retire from service at the Highlands; and vote of thanks to, ... 435
4. Appointment of, as colonel of regiment of militia in Orange county, ... 528
5. Certificate of balance due on muster rolls of, for bounty of his regiment, and requisition on Treasurer in favour of, .. 723

NIXON, ELIAS. (See New-York City, 59.)

NORBERG, CAPT. JOHN.

1. Memorial of, &c. and permission to repair to Great Britain for the recovery of his health, ... 220

NORTH CAROLINA.

1. Intercepted letter from Gen. Gage to Governor of, ... 57
2. Intercepted letter from Gov. Martin to Henry White, ... 68
(See Martin Joseph.)

NORTHERN ARMY.

(See Gates Horatio.)
(See Ticonderoga and Crown Point.)
(See Continental Congress, 225.)

NORWOOD, RICHARD.

1. Appointment of, as commissary of military stores, in and for the city and county of New-York; and directions to, ... 290
2. Directed to receive from Col. Waterbury, the arms taken from sundry disaffected persons in Westchester county, to be appraised and described, ... 321
3. To deliver arms to Col. McDougall, ... 335
4. To take charge of powder purchased of Nicholas Low, ... 348

O.

OAKES THOMAS, JR.

1. Employed as a tinman at Ticonderoga, under command of Gen. Schuyler, ... 128

PAGE.

OAKLEY, PHEBE.

1. Petition and affidavits of, &c. complaining of robbery and plunder of effects of, by Captain Ford and his company, of Col. Brewer's regiment; resolutions of Committee of Safety thereon; and letter to Maj. Gen. Heath, directing the apprehension and detention of said Ford, ... 731, 732, 733, 754

OATH OF ALLEGIANCE.

1. Proceedings of Convention, in framing constitution respecting, ... 851, 852, 853
(See Tryon County, 28.)

OATH OF SECRECY.

1. Form of, to be administered to members and officers of Provincial Congress, and to all persons employed by, ... 116, 117
2. Resolutions of Convention absolving from, and directing all matters of secrecy to be charged upon the honour of members respectively, ... 560

O'CONNER, JOHN.

1. Directed to appear before Committee of Safety, ... 153
2. Examination of, respecting certain proceedings of Guy and Sir John Johnson; and discharged, ... 154

OFFICERS. (See General Officers.)
(See Battalions.)
(See Arrangement, Major-General, Captains, &c.)
(See Brigadier-General.)

1. Draft of warrant from Provincial Congress to officers of troops to be raised, and instructions accompanying for the enlistment of men, ... 57
2. Report of committee to wait upon, ... 59
3. Arrangement of battalions and officers thereof, ... 62
4. Committee to determine rank of captains and inferior officers of the several regiments, ... 63
5. Provision for election and appointment of, in the several companies of militia; and mode of such election, 104, 114 to 116, 147
6. Resolution of Provincial Congress respecting pay of, ... 105
7. Draft of commissioners to, ... 141
8. Choice of, in Great Neck and Cow Neck, Queens county, ... 173
9. Return of, in Captain Stephen Brinckerhoff's company, ... 229
(See Orange County, 20, 24, 27, 28, 31, 32, 33, 35, 37, 39, 41, 64, 65, 66, 72.)
(See Dutchess County, 13, 23, 24, 25, 26, 27, 28, 29, 30.)
(See Ulster County, 14, 16, 17, 21, 28, 30, 33, 34, 37, 38, 40, 43, 54, 81.)
(See Westchester County, 9, 12, 15, 24, 28, 34, 36, 37, 40.)
10. Determination of rank of, in the several counties, ... 229, 230
(See Suffolk County, 33.)
(See Cumberland County, 12, 13, 14, 15, 19.)
11. Letter to Delegation in Continental Congress, respecting payment of billeting money to, &c. ... 245, 246
12. Letter to Delegation in Continental Congress, respecting choice of, in certain cases, ... 246
(See Suffolk County, 38, 39, 40, 42, 43, 44, 57, 58.)
(See Charlotte County, 6, 7.)
(See Albany County, 45.)
(See City and County of New-York, 121.)
(See New-York Battalions, 6.)
(See Kings County, 12.)

OFFICERS.

13. Memorial of Captain Daniel Griffin, Jno. Johnson, and thirteen others of the northern army, in the service of the United Colonies, by appointment of this Colony, respecting pay and rations; disposition of, ... 317
14. Resolution of Continental Congress, recommending preference in choice of, of new levies engaged in the last Canadian campaign, ... 318
(See Grennel, Captain John, 7.)
(See Bellinger Peter, 1.)
15. Resolutions of Provincial Congress relative to the rank and number of, for the reinforcement of the army at New-York, ... 487
16. Resolutions of Provincial Congress, declaring military officers ineligible to a seat in, ... 495
17. List of, in Col. Malcom's regiment, ... 506
18. Letter from Convention to Continental Congress, relative to nomination of, for additional regiment, for the reinforcement of the army at New-York, ... 520
19. Memorial of, complaining of improper appointments by Congress, &c. ... 522
20. Letter from Convention to Continental Congress, transmitting sundry resolutions of, ... 522
21. Resolutions of Convention for punishment of neglect of duty or disobedience of orders of; and for the resignations of, ... 567
22. Report of committee and resolutions, &c. relative to the arrangement of, for the four Continental battalions ordered to be raised in this State; list of, ... 712, 713
(See Civil Officers.)
23. Resolutions of Congress respecting rank of, in the army of the United States, ... 983, 984

OFFICIAL CANVASS.

1. Of votes given at an election for Governor, Lieut. Governor, Senators and Representatives, ... 990

OGDEN, MOSES.

1. Letter from Committee of Safety to, respecting contract with, for furnishing coal to cast shot, ... 373

PAGE.

OGDEN, MOSES—Continued.

2. Contract with; and requisition on Treasurer in favour of, for advance, ... 377

O'HARA, CAPT. HENRY.

1. Certificate of mustering of company of, &c. in Col. Wynkoop's regiment, ... 437

ONEIDA INDIANS.

1. Letter and documents from Albany committee respecting disposition and proceedings of, ... 23, 24
2. Letter from Rev. Samuel Kirkland to Albany committee, respecting, &c. ... 49
3. Appointment of committee on, ... 49
4. Passport from Provincial Congress to Joseph Johnson, an Indian of the Mohegan tribe, and a licensed preacher amongst the New-England and Oneida Indians, and to three others, his companions, to New-London; and message from Provincial Congress to, ... 50
5. Speeches of four Oneida chiefs to committee of Albany, transmitted to Provincial Congress by Robert Yates, ... 95
6. Speech of inhabitants of Albany county to, at German Flatts, and answer of, and of Tuscaroras, transmitted as aforesaid, ... 95
7. Speech of inhabitants of Tryon county to Oneidas and Tuscaroras, at German Flatts, and answer of Oneidas, transmitted as aforesaid, ... 95
8. Arrival at Kingston of Kayend-alongwea, one of the head warriors of, with the Rev. Mr. Kirkland—part of a company returning from a visit to the eastern States, General Washington and the American army; speech of President of Convention to, and answer of Kayend-alongwea, ... 858
9. Proposition to, by commissioners, for the erection of salt works in this State, for the manufacture and delivery of salt, ... 982, 983
10. Deposition of Frederick Hellmer, relative to an interview and talk with Thomas, a sachem of, respecting the proceedings of Sir John Johnson, at Oswego, ... 1007
11. Letter from Thomas Spencer to General Schuyler, relative to the movements and dispositions of, ... 1026
12. Examination of Johannes Oosterhout, Jr. and Nicholas, the sachem, respecting the affairs and proceedings of, &c. ... 1054
13. Resolution of Council of Safety, declaring them allies of this State, ... 1054

ONEOGHQUAGO, ONENHOGHWAGO, OR OCOGHQUAGA INDIANS.

1. Report of committee of conference with John Harper, messenger from the chiefs of, ... 801, 802
2. Resolutions directing the sending of a messenger to, with assurances of friendship and protection, ... 802
3. Letter from Committee of Safety to chiefs of, ... 803
4. Resolution for presentation of one hundred weight of gunpowder to, ... 803
5. Letter from John Harper relative to conference with, and information derived from; report of committee thereon, ... 879, 880
(See Brant, Joseph, 2.)
6. Examination of Johannes Oosterhout, Jr. and Nicholas, the sachem, respecting the proceedings and disposition of; and resolutions of Council of Safety thereon, ... 1054

ONENHOGHKWAGE INDIANS.

1. Letter from chiefs of, to Henry Wisner, Jr. of Ulster county, requesting a supply of gunpowder, lead and flints; giving assurances of their peaceable disposition and neutrality; and inviting the inhabitants to trade with them in gunpowder and goods; order of Convention thereon, ... 539
(See Ocoghquaga Indians.)

ORANGE COUNTY.

1. Names and credentials of Deputies from, to first Provincial Convention, ... 1, 2
2. Resolutions adopted at a town meeting held in the precinct of Haverstraw, in said county, ... 2
3. Proceedings of town meeting in the precinct of Goshen, ... 2
4. do do do of Orange, ... 2
5. do do do of Cornwall, ... 2
6. Names and credentials of Deputies from, to first Provincial Congress, ... 7, 8, 25, 98
7. Receipt of letter from Benjamin Carpenter, chairman of committee of New-Marlborough, Samuel Brewster, chairman of committee of New-Windsor, and Isaac Belknap, chairman of committee of Newburgh, pro tem. ... 49
8. Appointment of member of Committee of Safety for, ... 70
9. Letter from chairmen of committees of Newburgh and New-Windsor precincts, relative to conduct of John Morrell, Adam Patrick and Isaiah Purdy, sent to Provincial Congress as prisoners and disaffected persons, ... 81
10. Liberation of, and letter from Provincial Congress to committees, &c. ... 93
11. John Griffiths authorized to examine the lead mines in Goshen, ... 142
12. Officers of company of minute men in the precinct of Cornwall, in, ... 152
13. Return of militia officers on south side of mountain, in, ... 170
14. Information communicated to Provincial Congress, of a conspiracy to join the King's troops, extending from Haverstraw to Hackensack, and letter to Haverstraw committee, ... 185

PAGE.

ORANGE COUNTY—CONTINUED.

15. Letter to committees of Haverstraw and Orange precincts, relative to nomination of field officers for the militia in,.. 186
16. Information from Capt. Hutchinson, of Haverstraw precinct, of the arrest of three deserters from Capt. Robert Johnson; directed to be sent to the fortifications at the Highlands, ... 195
17. Letter from Provincial Congress to committee of, transmitting resolutions of Continental Congress, for the raising of men from militia of, for the occupation and defence of the fortifications of the Highlands,.... 198
18. Letter to Delegates from, requesting their attendance,..... 198
19. Letter to committee of, requesting such attendance,..... 199
20. Letter from Charles Clinton, chairman of Hanover precinct, in, transmitting names of officers elected in company of minute men, in, ... 202
21. Names and credentials of Deputies from, attending second Provincial Congress,.. .... 206, 213, 214, 225, 293
22. Appointment of George Clinton as brigadier-general of militia of,.... 226
23. Resolution forming militia of Orange Town and precinct, and that of Haverstraw, into two separate regiments, ... 231
24. Field officers of Col. Isaac Nicoll's regiment of minute men in,.... 238
25. Letter from Colonel Nicoll, transmitting returns of officers of Capt. Hetfield's company of minute men,.... 238
26. Directions to committee of, to secure the arms and accoutrements of discharged soldiers, ... 252
27. Letter from chairman of committee of, to Provincial Congress transmitting list of officers of Goshen and Cornwall regiments, ... 294
28. Letter from chairman of committee on the south side of the mountains in, transmitting list of officers for two companies, ... 297
29. Letter from Captain Samuel Jones and others, of Goshen, recommending Israel Wells as a major of the Colonial troops, ... 301
30. Letter from chairman of committee of, returning the names of proper persons for officers in that county,.. .. .... 306, 307
31. Return of officers of militia company at Cakiate, in Haverstraw precinct,.... 310
32. Letters from chairman of committee of, &c. respecting choice of officers on south side of mountain, ... 322
33. Return of officers of company of minute men in the southern part of,.... 323
34. Return of officers of regiment and company of militia in Orange Town,.... 327
(See Denton, Capt. Samuel.)
35. Return of officers in the Florida and Warwick regiments,.... 329
36. Letter from Provincial Congress to Edward W. Kiers, merchant in Haverstraw, requesting sale of powder to Colonel Hay,.... 341
37. Return of officers of militia company, in Cornwall precinct,. 344
38. Resolutions of Provincial Congress, directing the colonels of regiments on the south side of the mountains in, to draft 100 men, exclusive of volunteers, for defence of the city of New-York,.... 361
39. Letter from Provincial Congress to committee of, respecting dissentions relative to choice of officers in Captain Silas Pearson's company of militia, in Col. Jesse Woodhull's regiment,.... 367
40. Letter from Abraham Lent, colonel of Orange Town regiment, respecting the forwarding of minute men to New-York, and answer of Committee of Safety, ... 371
41. Arrival of minute men under command of Captain Johannes Jacobus Blauvelt, and appointment of officers of,..... 383
42. Letter from A. Hawkes Hay to Committee of Safety, respecting forwarding regiment of, to New-York; answer of Committee, and order to Lieut. Col. Cuyler to send to New-York a company of minute men, in lieu of the company from Col. Hay's regiment,.... 384
43. Directions to Col. Gilbert Cooper to countermand the marching of the Haverstraw minute company, ... 400
44. Letter from Col. Josiah Smith, of the regiment of minute men in, recommending Ephraim Marvin as adjutant of said regiment; appointment accordingly, ... 400
45. Letter from chairman of committee of Goshen, covering accounts of blankets and arms purchased by said committee; answer thereto, ... 413, 414
46. Resolution of Provincial Congress, recommending prisoners on parol to be sent to Goshen, in, ... 436
47. Names and credentials of Deputies from, to third Provincial Congress,.... 449
48. Returns of election of officers of two companies of militia in Col. Hawthorne's regiment, ... 468
49. Returns of election of officers of company of lighthorse in Cornwall precinct,.... 472
50. Resolutions of Provincial Congress, directing the arrest of sundry privates of Capt. Avery Blauvelt's company, in Haverstraw precinct, for disaffection,.... 512
51. Names and credentials of Delegates from, in fourth Provincial Congress, at White-Plains, ... 515
52. Resolutions of Convention, calling into service one-fourth part of the militia of, and directions for the arrangement, pay, bounty and subsistence of, ...525, 525
53. Names and credentials of Deputies from, to Convention, ... 528
54. Appointment of field officers of regiment of militia in, ... 528
(See Clinton, George.)

PAGE.

ORANGE COUNTY—CONTINUED.

55. Militia of, ordered to be in readiness to march at a moment's warning, ... 601
56. Report of committee respecting the expediency of calling out the militia of,.... 606
57. Resolutions of Convention, directing committee of, to provide for the defence of the frontiers of, against incursion from the Indians, by detachments of the militia, ... 663
58. Letter from chairman of Goshen precinct, relative to disposition of certain Scotch prisoners,.... .... 666, 667
59. Report of committee, and proceedings thereon,.... 667
60. Detachments of militia of, ordered to guard that part of, south of the Highlands, and to march to Peekskill,.... ... 669, 672
61. Sheriff of, authorized to release Andrew Bostwick, an imprisoned debtor, from confinement,.... 688
62. Requisition on Treasurer in favour of Henry Wisner, Esq. for the repair of roads in,.... 696
63. Resolution of Committee of Safety, directing all the militia of, to repair to Chester, in, under the command of Gen. Geo. Clinton, and to co-operate with the troops of Maj. Genls. Lee and Gates, in harrassing and distressing the enemy, and in defending the passes at the Highlands, ... 746
(See Clinton, George, 13.)
64. Return of election of officers in Pechunck, Sterling and Florida, in Col. Hathorn's regiment,.... 832, 833
65. Letter to Col. Hathorn, requesting a statement of the Sterling company of militia, and of the necessity for a new appointment of officers therein, ... 833
66. Return of election of officers in Capt. Thomas Horton's (late Capt. Little's) company, in Oxford district, Cornwall precinct,.... 857
67. Letter from committee of, transmitting examinations and depositions relative to a conspiracy against the public welfare, under the direction of Joseph Barton,.... 862, 863
68. List of prisoners apprehended by Maj. Henry Wisner, by order of committee of, and disospition of, by Convention,.. 872
69. Requisition on Treasurer in favour of auditor-general, for payment of militia of, ... 902
70. Appointment of Jesse Woodhull as sheriff of,.... 912
(See Resolutions of Convention, 137.)
71. Letter from Convention to committee of, relative to damages sustained by inhabitants of the south part of, by the passage of the Continental troops,.... 919, 920
72. Election of officers of Capt. Garret Ekerson's company, in Col. Hay's regiment of militia in the precinct of Haverstraw,.... 935

ORANGE, TOWN OF.
(See Orange County 4.)

OSBORNE, CORNELIUS.
1. Appointment of, as surgeon in Col. Cornelius Swartwout's regiment of militia in Dutchess county,.... 548

OSWEGO.
1. Letter from Committee of Safety to Delegates in Continental Congress, informing of the arrival of Col. Guy Johnson at, with a body of Indians,.... 79
2. Intelligence communicated by Lieut. McMichael, of the arrival of three regiments of ministerial troops, and a number of tories and Indians under the command of Colonels Johnson, Butler and Caldwell; and of their plans, &c.... 569
3. Intelligence of proceedings of Indians at,.... 1021, 1025

OUTENBOGERT, RICHARD.
1. Petition of, for relief,.... 21

OYER AND TERMINER.
1. Draft of commission for holding courts of, in this State,.. 948, 949

P.

PADDOCK, ISAAC.
1. Warrant of, in place of Roswell Wilcocks, ... 83

PALMER, LIEUT. DAVID.
1. Letter from, informing of enlistment of volunteers, ... 90
2. Ordered to transport men to New-York,.... 91

PALMER, THOMAS. (See Lead Mines, 2, 3.)
(See Highlands, 61.)

PAPER CURRENCY.
(See Continental Paper Currency.)
(See Colonial Paper Currency.)
(See Bills of Credit.)

PAROL. (See Prisoners, 14, 15, 16, 18, 21.)

PASSPORTS.
1. To Brook Watson, for journey to Quebec,.... 48
2. To Joseph Johnson, to New-London, &c.... 49, 142
(See Ships and Vessels, 22.)
(See Livingston, Robert C.)
(See New-York City and County, 59, 60.)
3. To Mrs. Kingston, of Hallett's cove, on Nassau island, to depart the Colony with her wearing apparel and household furniture, ... 155
(See Deane, William, 1.)
4. To Morison Vanass and his interpreter,.... 262
5. To Joseph Hallett, to pass and repass between the city of New-York and Newark, in New-Jersey, ... 556
6. Resolution of Convention restricting the granting of, by, to members of the Convention, and persons in their employ, 556

PAGE.

PAROL--CONTINUED.

7. Resolutions of Committee of Safety, regulating the granting of, ... 706

PATRICK, ADAM.

1. Letter and affidavits from Committee of Safety, to Newburgh and New-Windsor, respecting conduct of, in opposition to the liberties of the American Colonies, ... 81, 82
2. Sent by Committee of Safety, as prisoner to Col. McDougall's camp, ... 82
3. Liberation of; letter of Provincial Congress to committees of Newburgh and New-Windsor, and admonition to, ... 93

PATRICK, SAMUEL.

1. Requisition on Treasurer in favour of executors of, for iron stoves manufactured by, for the use of the troops in the northern department, ... 826, 839
2. Resolutions of Convention relative to granting letters of administration on the estate of, ... 830, 831

PAULDING, WILLIAM.

1. Appointment of, as commissary of the militia to the northward of King's Bridge, while in service, on the east side of Hudson river, under the command of Brig. Gen. Clinton; and instructions and letter to, ... 567
2. Appointment of, as justice of the peace in and for the county of Westchester, ... 765

PAWLING, ALBERT.

1. Appointment of, as second lieutenant in Captain Jacobus Bruyn's company, ... 99
2. Memorial of, as major of one of the sixteen additional regiments ordered to be raised by Congress; and resolution of Convention thereon, ... 881, 882
3. List of officers of the four companies of, ... 881

PAWLING, LEVI.

1. Appointment of, as colonel Ulster county militia, ... 135, 228
2. Letter from, announcing place of rendezvous of regiment of, 229
3. Directed to repair to Kingston, for the purpose of proceeding to Schoharie for the relief of the inhabitants, ... 1040

PAY MASTERS.

1. Letter to Gen. Schuyler relative to duty of, in auditing and allowing accounts, ... 245

PAYMENT OF TROOPS.

1. Letter from Committee of Safety to Delegation in Continental Congress respecting, ... 245, 246
2. Appointment of Delegates to procure the equalization by Continental Congress, of the pay of the militia, and troops of the eastern and New-York Colonies, ... 482
3. Letter to Continental Congress, respecting, ... 483
4. Report of committee respecting, ... 484
5. Resolutions of Convention providing for, ... 535, 536
6. Resolutions of Committee of Safety, directing the return by officers of the militia, of accounts and vouchers, for &c... 824
7. Resolutions of Convention appointing Comfort Sands paymaster of the troops employed in actual service in the counties of Dutchess, Ulster, Westchester and Orange; and making an appropriation therefor, ... 864
8. Resolutions of Convention directing the auditor-general to adjust the accounts for, according to the new regulations of Congress, ... 866
9. Directions to auditor-general relative to the payment of officers of the militia, ... 870
10. Resolutions of Congress relative to, ... 899

(See Sands, Comfort, 7.)
(See Bancker, Gerard, 5.)

PAYNE, CAPT. SAMUEL.

1. Directed to be continued in the pay of this State, in Major Wheelock's corps, and to complete his compliment of men, and requisition on Treasurer in favour of, ... 1041
2. Petition of, for relief; and resolutions of Council of Safety in favour of, ... 1059, 1060

PAY TABLE, COMMITTEE OF.

(See Accounts.)

PEASE, CAPT. NATHAN.

1. Appointment of, as captain in Col. Ritzema's regiment; instructions to, ... 417

PEGGY, SHIP.

(See Ships and Vessels, 1.)

PELL, SAMUEL TREDWELL.

1. Appointment of, as second lieutenant in Westchester county in place of Nehemiah Marshall, declined, ... 76

PELTON, DANIEL.

1. Appointment of, as second lieutenant in Capt. Riker's company, ... 535

PENNSYLVANIA. (See Philadelphia.)

1. Letter from Henry Wisner, enclosing articles of agreement for the due regulation and government of associations in, 163
2. Military articles of, and reason of associations against signing them; received and filed, ... 163
3. Resolution of Continental Congress, continuing Carpenter Wharton, as commissary of battalion of, in service at New-York, ... 383

(See Continental Army, 11.)
(See Continental Congress, 226.)

PERQUISITES.

(See Henry, John, 2.)
(See Resolutions of Convention, 124.)

PETITIONS.

1. Of James Arden, Richard Outenbogert, John West, and others, praying for relief, ... 21
2. Of Captain Samuel Tudor, of independent company of artillery in New-York city, for carriages and ammunition, ... 25
3. Of William Ephinstone, a conductor of ordnance stores, for relief; and ordered thereon, ... 51, 79
4. Of Samuel Faulkenham and David Woolhaupter, to be employed in making drums and fifes, ... 75
5. Of John Sparding, for payment for services rendered at Ticonderoga Landing, ... 78
6. Of Geo. Cook, to be employed in making pouches and belts, 87
7. Of Jacob Bamper for appointment to some office in the Colonial regiments, ... 87
8. Of John Fisher, saddler, ... 90
9. Of John Monell, Adam Patrick and Isaiah Purdy to be discharged from confinement, ... 93
10. Of Sampson Dyckman, praying for compensation for injury to horse, used by messenger to Philadelphia, ... 96
11. Of Philip Van Rensselaer, for leave to purchase in Connecticut barrelled pork for use of Continental army, ... 103
12. Of Peter Clopper and others, merchants of the city of New-York, respecting the exportation of flaxseed, ... 106
13. Memorial of Capt. Jacobus Wynkoop, respecting rank and situation of in Colonial troops, ... 107

(See Ships and Vessels, 1, 2, 3, 4, 5.)
(See Norberg, Capt. John.)
(See Bryson, Robert.)
(See Candell, John.)
(See Westchester County, 6, 7, 11.)
(See New-York City, 57, 63.)

14. Of David Purdy and John O'Conner, and proceedings thereon, ... 153
15. Of Christian Bergh, Jr. Adam Bergh, David Dol, John Dol and Timothy Doughty, for discharge, ... 154

(See Nicholson George, 3.)

16. Of Elizabeth White, praying for discharge of her husband on parol; disposition of, ... 163, 167

(See Van Vleck, Abraham, H.)
(See Bostwick, Andrew.)
(See Oakley, Phebe.)
(See White, Alexander.)
(See Prisoners, 17, 56, 100, 123.)
(See Hunter, John.)
(See Lightfoot, Richard.)

17. Of George Coffin, expressing contrition for his past conduct, and praying to be restored; granted, ... 236, 346
18. Of Thomas Place and Gabriel Van Cott, expressing contrition for their past conduct, and praying to be restored, ... 237
19. Of Capt. Jacob Mott, Jackson Mott, and Seaman Weeks, expressing contrition for their past conduct, and praying to be restored; and proceedings thereon, ... 252
20. Of Frederick Hartell, setting forth his former rank, and services; and requesting a commission, ... 275
21. Of John Wylley, offering his services as a captain in the Continental service, ... 275
22. Of Arondt Van Hook, offering his services as a captain, &c. 280
23. Of Sundry prisoners, inhabitants of Queens county, for permission to go at large on parol, ... 294, 295
24. Of John W. Watkins, offering his services to his country, and requesting a commission, ... 297
25. Of Abraham Godwin, offering his services as captain, ... 298
26. Of John De Wint, of Orangetown, for leave to export provisions to the island of St. Thomas; rejected, ... 298
27. Of Guert Spt. De Wint, for leave to export provisions and lumber for the use of his estate in the island of St. Thomas; also household furniture, horses and carriages, and his family, and a generous supply of all the good things of this country, for the use of himself and family at sea; granted, so far as relates to the removal of his family, horses, carriages, household furniture, and a necessary supply of provisions at sea, and rejected as to the residue, 298
28. Of nine soldiers of Capt. Johnson's company, relative to deduction of their under cloths from their pay, ... 302
29. Of Henry Remsen, John Broome and others, for indemnity for losses sustained in preserving the non-importation agreement; and reference of, ... 303
30. Of Elizabeth Atherton, for discharge of her husband from imprisonment; and reference of, to New-York committee, 303
31. Of Dr. Wm. Dusenbury, for appointment as surgeon to a regiment, ... 304
32. Of Wm. and Thos. Cock, of Oysterbay, Queens county, for restoration to favour: granted, ... 311
33. Of Capts. Daniel Griffen, Jno. Johnson, and thirteen other Colonial officers, in the service of the United Colonies, in the northern army, during the year 1775, relative to pay and rations; disposition of, ... 317
34. Of Joseph Crane, setting forth his services in the last campaign, and praying the care of an artillery company, ... 324
35. Of Azor Betts, for forgiveness and protection, on returning to his duty, ... 328
36. Of Robert Robinson and Michael Price, to be restored to their former standing, ... 332

PAGE.

PETITIONS—CONTINUED.

36. Of Joseph Smith, offering his services in the marine department, ... 346
37. Of Robert Robinson and Michael Price, merchants of the city of New-York, testifying their contrition for having sold goods at an advanced price, and praying a restoration to favour; proceedings of Provincial Congress thereon,..... 349
38. Of Archibald Campbell, of Paulding's precinct, in Dutchess county, complaining of forcible outrages upon his property by a body of men from Connecticut; reference of,. 352, 353
39. Of Jacob Bamper, for a captain's or lieutenant's commission, 359
40. Of Samuel Loudon, respecting destruction of impressions of pamphlet of, in answer to "Common Sense,"..... 405, 496
41. Of Lieut. Wm. Scudder, for payment of men enlisted in Capt. Henry O'Hara's company, ... 409
42. Of Dirck Lefferts, merchant of the city of New-York, for indemnity for damage to woodlands of, and compensation for provisions, &c. furnished to troops under command of Col. Drake; reference of, ... 430
43. Of Joseph Wood, on behalf of himself and other merchants of Philadelphia, for restitution for seizure of a vessel and cargo belonging to them, by Josiah Martin, late Governor of North Carolina; reference of, to committee,..... 436
44. Of Alexander Robinson, Geo. Lyndsay, Peter Sim, and Marinus Willett, requesting encouragement in the manufacture of salt, ... 499
45. Of William Eagles, a mechanic, for employment in the public service; order thereon,..... 540
46. Of Daniel Hauxhurst, on behalf of Townshend and Noble, proprietors of an anchor forage, praying compensation for provisions taken from, and restitution of workmen drafted into service; proceedings thereon, ... 559, 560
(See Tryon County, 26.)
46. Of committee and militia officers of King's district, for the appointment of field officers of their own district,..... 758
47. Of Ann Dillingham, to go to New-York with her family, to her husband; granted,..... 768
48. Of Mary Handly, wife of Edward Handly, to go into New-York, to bring from there her children and husband, who is deranged; granted,..... 773
49. Of Bridget Morgan, daughter of Benjamin Morgan, to visit her parents in New-York; granted, ... 773
50. Of John Moley and Stephen Lyon, prisoners,..... 775
51. Of Malcom Morrison, William Eligh, James Robinson, and others, disaffected persons in confinement, for relief and discharge, ... 812
(See Pawling, Albert, 2.)
52. Of Benjamin and John Gilbert, for employment in the military line,..... 883
53. Of Elizabeth Haight, praying for the restoration of certain personal property belonging to her mother, and seized by commissioners,..... 885
54. Of Elizabeth Bend, relative to personal property taken by commissioners of sequestration, and claimed by her,..... 900
55. Of Gloriana Stevenson, requesting the use of the farm of one Osborn, who is gone over to the enemy,..... 900
56. Of Robert Richardson, a discharged soldier of Col. Henry B. Livingston's regiment, for maintenance, and resolution of Convention thereon,..... 902, 903
57. Of John Cook, confined as a disaffected person, for relief,.... 937
(See Done, Thomas.)
58. Of Jonathan Terwilliger, a wounded soldier, for relief,..... 950
(See Sacket, Samuel.)

PETTIT, THOMAS.

1. Order for payment to, as doorkeeper of Provincial Congress, 103, 152, 188, 440, 757, 861
2. Re-election of,..... 205, 448

PHELPS, ELISHA.

1. Letter from Governor of Connecticut, communicating appointment of, as commissary, at Albany, for troops on Lake Champlain,..... 52
2. Provisions directed to be forwarded to,..... 60
3. Letter from Provincial Congress to, ... 61
4. Letter from Provincial Congress to John N. Bleecker, and other agents at Albany, to deliver provisions and supplies to, ... 61
5. Letter from, acknowledging receipt of, &c..... 74
6. Letter from John N. Bleecker, respecting delivery of provisions, &c. to, ... 74
7. Letter from, respecting procurement of provisions and stores for army,..... 84, 85

PHILADELPHIA. (See Continental Congress.)

1. Letter to committee of, enclosing notes of information received from John Carter, of Boston, relative to supply of provisions to British army at Boston, by owners of ship Sally and Mr. White's schooner, ... 111
2. Letter from Benjamin Franklin, chairman of committee of safety of, to Provincial Congress, respecting supplies of powder,..... 117, 128
3. Letter from Provincial Congress to committee of, accompanying the transmission of John Young, a prisoner taken from sloop Sally, to his father at,..... 371
4. Letter from committee of safety of, informing that they have sent Capt. Charles Alexander and Lieut. John Hennesee, for the purpose of recruiting seamen for that Province; order of Committee of Safety thereon,..... 383, 386

PAGE.

PHILADELPHIA—CONTINUED.

5. Letter from Convention to chairman of committee at, accompanying the transmission of William Sutton, as a prisoner,..... 547
(See Prisoners, 143, 144.)
6. Letters from Delegation in Congress, respecting the release of prisoners belonging to this State, confined in; list of such prisoners,..... 998, 999, 1000

PHILLIPS, MOSES.

1. Appointment of, as major, Ulster county militia,..... 135

PHYSICIANS. (See Surgeons.)

1. Exemption of, from drafts for militia in the city of New-York,..... 496

PILOTS AND PILOT BOATS.

(See Ships and Vessels, 35, 37, 38, 40, 44, 45, 46, 47, 48, 63, 68, 69, 70.)

1. Examination of Christopher Duyckinck, relative to proceedings of, and order for arrest of pilots coming on shore, ... 348
2. Affidavits relative to loss of pilot boat Hamden, and order for restitution,..... 353
3. Order for sale of boat, goods and merchandise,..... 413

PIN MANUFACTORY. (See Lightfoot, Richard.)

PLAN OF ACCOMMODATION WITH GREAT BRITAIN.

1. Proceedings, resolutions and discussions of Provincial Congress, respecting,..... 20, 26, 50, 52 to 54, 58
2. Letter to Delegates in Continental Congress, communicating report, as amended and adopted, and answer,..... 69, 73

PLATT, CAPT. NATHANIEL.

1. Requisition on Treasurer in favour of, for pay, subsistence and bounty of company of, raised on Long island,..... 828

PLATT, CAPTAIN ZEPHANIAH.

(See Van Cortlandt, Pierre, 1, 2, 3.)

1. Requisition on Treasurer in favour of, as commissary to the troops under the command of Gen. Clinton, ... 599
2. Commission to, as second in command of corps of associated exempts in Dutchess county, ... 987

PLENDERLEATH, CAPT. GEORGE.

1. Letter from, explaining his visit to New-York,..... 159

PLUMB ISLAND.

(See Gardiner Island.)
(See Suffolk County, 16, 88, 21.)

POMEROY, SETH.

1. Appointment of, by Continental Congress, as brigadier-general, ... 63

POOR.

(See New-York City and County, 93, 105, 110, 112, 179, 189.)

1. Resolution of Committee of Safety for the maintenance and support of,..... 710
2. Resolution of Committee of Safety for the removal of, belonging to this State, from Connecticut and other States,. 710
(See Westchester County, 77.)
(See Resolutions of Convention, 138, 148.)

PORK.

(See Provisions and Supplies.)
(See Van Rensselaer, Philip, 1.)

POST OFFICE.

1. Memorial of Ebenezer Hazard, praying for establishment of, and appointment as postmaster, and letter from William Goddard, relative thereto; committee appointed thereon, 44
2. Proceedings of Provincial Congress on the coming in of report; resolution recommending appointment of Ebenezer Hazard as postmaster at the city of New-York, and letter to Delegates in Continental Congress, informing them of such appointment,..... 90
3. Resolution prohibiting the receipt of postage by any person other than the Postmaster-General, and deputy postmasters appointed by Continental Congress, except on letters received by packets from Great Britain,..... 130
4. Order for removal of, from the city of New-York, to some convenient place near Dobbs' Ferry, in Westchester county,..... 602

POST ROADS. (See Resolutions of Convention, 49.)

POSTS.

1. Resolutions of Continental Congress, recommending the establishment of, for the more speedy communication of intelligence, ... 172
2. Postmaster at New-York directed to establish, weekly, between that city and Albany, on the east side of Hudson's river,..... 604

POUGHKEEPSIE.

(See Dutchess County, 11, 12.)
(See Ships and Vessels, 93.)

POWDER.

1. Letter from Artemas Ward, general of the Massachusetts army, Joseph Warren, chairman of committee of safety, and Moses Gill, chairman of committee of supplies, to Provincial Congress, requesting supply of, ... 34
2. Answer of Provincial Congress,..... 35
3. President of Provincial Congress goes to Elizabethtown, to

PAGE.

POWDER—CONTINUED.

confer with committee there on the subject; report of, and order thereon, ... 35, 37
(See New-York, 14.)
(See Saltpetre.)
4. Report of quantity of, remaining unsold in the city of New-York, ... 36
5. Directions of Provincial Congress respecting, and also respecting the re-manufactory of damaged powder, at Ticonderoga and Crown-Point; letter from, to Commander-in-Chief, and to commissioners for superintending removal of cannon and stores at Albany, ... 36
6. Resolution of Provincial Congress, offering a bounty for manufacture of, ... 36
(See Saltpetre, 8.)
7. Letter from Provincial Congress to Governor of Connecticut, respecting powder sent to Colony of Massachusetts Bay, 38
8. Appointment of committee to agree for importation of, at a certain per centage, ... 41
9. Agreement with John Vanderbilt, ... 41
(See New-York City, 21, 64.)
10. Directions of Provincial Congress for purchase of, to be forwarded to Connecticut, for the use of the Provincial army near Boston, and to Ticonderoga; and letter to Governor Trumbull, ... 47
11. Resolution of Continental Congress, respecting manufacture of, ... 48
12. Letter from Provincial to Continental Congress, respecting manufacture of, &c. ... 61, 62, 98
13. Arrival of quantity of, from Philadelphia, for use of troops at Ticonderoga, ... 82
14. Letter from Continental Congress to Committee of Safety, requesting transmission of, for use of troops before Boston, and answer of Committee, ... 86
15. Letter from Daniel Lawrence, informing Provincial Congress of receipt of, ... 89
(See Wooster, David, 19.)
16. Directed to be sent from Hon. Robert R. Livingston's powder mill, at Rhinebeck, to Albany; thence to be forwarded to Gen. Schuyler, at Ticonderoga, ... 107, 110
17. Letter from Benjamin Franklin, chairman of committee of safety at Philadelphia, to Provincial Congress, respecting supply of, ... 117
18. Letter from Provincial Congress to Secretary of Continental Congress, respecting forwarding of, for use of Colonial troops, ... 122
19. Appointment of committee to contract for, ... 127
20. Contract with Joseph Hallett, Jr. for importation of, ... 129
21. Committee appointed to collect damaged powder, and forward to powder mill at Rhynbeck, ... 135
22. Distribution of, among the several counties, ... 135
23. Appointment of committee to employ and despatch a vessel for the purchase of, &c. and appropriation for, ... 145, 148
(See Powder Mills.)
(See Continental Congress, 60, 76, 77, 85.)
24. Appointment of committee to treat with Mr. Fine, for benefit of his contract for, ... 199
25. Order of Committee of Safety respecting the importation of, and the exportation of produce in exchange for, ... 241
26. Arrival of ton of, from Philadelphia, ... 308, 310
27. Purchase of quantity of, from Nicholas Low, ... 340
28. Letter to Edward Kiers, merchant, of Haverstraw, Orange county, requesting sale of, to Col. Hay, ... 341
29. Requisition on Treasurer in favour of Nicholas Low, for the purchase of, ... 502
30. Delegation from Provincial Congress to Rhode Island, for, belonging to Colony, and directions for its distribution among the several counties, ... 511

POWDER MILLS.
(See Livingston, Robert R.)
(See Livingston, John R.)
(See Wisner, Henry.)
1. Circular from Provincial Congress to owners of, relative to quantity of gunpowder in, and ability to manufacture, ... 337
2. Resolution of Provincial Congress, offering loan of money, without interest, for the erection of, &c. ... 349, 365
(See Wisner, Henry, Jr.)
(See Van Rensselaer, Henry and Sons.)
(See Carpenter, John.)
3. Resolutions of Convention, authorizing the raising of a company in each of the precincts of Rhinebeck, Walkill and Cornwall, for the protection of, ... 909

PRAYER. (See Common Prayer.)
1. Resolution of Convention for opening its sessions daily, with, and appointment of chaplain, ... 519, 810, 818
(See Fasting and Prayer.)

PRICES.
1. Examination of Thomas Pearsall and Peter T. Curtenius, respecting the raising of the prices of goods, ... 193
2. Referred to New-York committee, for inquiry, &c. ... 195
(See New-York City and County, 133.)
3. Resolutions of Convention, appointing commissioners to meet commissioners of eastern and middle States, at New-Haven, to regulate, &c. ... 1113, 1114, 1117, 1118

PAGE.

PRINCETON.
1. Letter from Gen. Geo. Clinton, transmitting account of the battle of, ... 765
2. Letter from Gen. Washington, ... 769, 770

PRINTERS.
(See Loudon, Samuel.)
(See Holt, John.)
(See Gaine, Hugh.)

PRINTER TO THE STATE.
(See Loudon, Samuel.)
(See Holt, John.)

PRISONERS. (See Prisoners of War.)
1. Letter from Albany committee to Provincial Congress, respecting prisoners taken from St. Johns, and requesting instructions relative to, ... 29
2. Answer of Provincial Congress, ... 32
3. Provision for Richard Sharpless, one of the soldiers taken at Ticonderoga, ... 48
(See McCleod William.)
4. Proceedings of Committee of Safety against Peter Herring, for assisting to convey on board the Asia, prisoners sent by Continental Congress, ... 71, 75
(See Monell, John.)
(See Patrick Adam.)
(See Purdy, Isaiah.)
5. Letter from committee at Elizabethtown, accompany transmission of deserters from Col. Waterbury's regiment; and order of Provincial Congress thereon, ... 89
6. Petition of John Monell, Adam Patrick, and Isaiah Purdy, to be liberated from confinement; letter from Provincial Congress to committees of Newburgh and New-Windsor precincts, informing of liberation of; and admonition to, ... 93
7. Detention of Captain Patrick Sinclair, His Majesty's Lieut. Gov. and superintendent of Michilimacinac, on parol at Nassau island, Suffolk county; and proceedings of Provincial Congress thereon, ... 100
8. Letter from Albany committee respecting the furnishing of provisions for soldiers taken prisoners at St. Johns; and answer of Provincial Congress, ... 112, 113
(See Lawrence Melancton.)
(See Allicock, Joseph.)
(See De Kay, Capt. Charles.)
9. Letter from Provincial Congress to several towns on the route to Cambridge, for assistance in the transportation of certain prisoners taken at Philadelphia, to camp at Cambridge, ... 120
10. Johan Christian Drewidz, commander of a vessel lately returned from sea, arrested and committed to the custody of Col. McDougall, on suspicion that his vessel had been to Boston, ... 122
(See Candell John.)
11. Order for advance to John Mason, a soldier taken prisoner at Ticonderoga, and permitted by committee of Hartford to proceed to Philadelphia, ... 132
12. Guard ordered to be in readiness at the barracks to prevent escape of, ... 13
13. Discharge of James Hicks and Thomas Carns, ... 1408
(See Lawrence, Abraham.)
(See Bethune, George.)
14. Discharge of Major Ethrington, on parol, ... 144
15. Discharge of Captain William Kelly, of second battalion of His Majesty's Royal American regiment; parol of, and certificate, ... 144
16. Petition of Christian Bergh, Jr. Adam Bergh, David Dol, John Dol, and Timothy Doughty, for discharge; affidavits against, ... 155, 158
16. Examination of Robert Rodgers, a prisoner on parol from Philadelphia; parol and certificate of, ... 157, 167
17. Petition of Jean Viellat, in behalf of himself and others, Canadian prisoners, praying for discharge from imprisonment; letters from Provincial Congress in answer thereto; and letters to committee at Albany, and to Continental Congress thereon, ... 175
18. Examination of Niel McFall and William Elphinston, Jr. prisoners taken in Canada; and discharge of, on parol, ... 182
19. Discharge of Timothy Doughty, ... 182
20. Application of Captain John Norbury, for discharge and permission granted for exchange with an officer of General Wooster's regiment, on board the ship Asia, ... 187
21. Application of Lieuts. Brough and Richardson, for information as to route of garrison at St. Johns, and for enlargement of parol; answer of Provincial Congress, ... 208
22. Apprehension of S. Speight, a druggist; appointment of committee to examine letters and papers of; report of committee, ... 210, 211
23. Resolution directing the confinement of, in the jail of Ulster county, ... 231
24. John Blackler ordered imprisoned, ... 231
25. Ordered for asrest of Lawrence Hartwick, on charge of betraying a trust reposed in him by Lieut. Edward Tyler, a prisoner on board the ship Asia, ... 241
26. Examination and discharge of Thomas Merritt, ... 242
27. Examination and discharge of William Weyman, ... 248
28. Examination and discharge of Thomas Service, ... 248

PAGE.

PRISONERS—CONTINUED.

29. Examination of Azor Betts, and order for confinement of, in Ulster county jail, ... 248, 249
30. Examination and re-committment of Robert Simmons, ... 248
31. Examination of Lawrence Hartwick, ... 248
32. Resolution of Continental Congress, recommending exchange of Lieut. Tylee, ... 250
33. Examination of Alexander Leslie, ... 255, 256
34. Examination of James Webb and other prisoners transmitted by Committee of Safety of New-Jersey, ... 257, 257, 258
35. Negotiations with Captain Vandeput, respecting the exchange of Lieut. Tylee, ... 258
36. Arrest and examination of Joseph Woolcombe and Captain William Dobbs; and letters found in, ... 259, 260, 261, 262
37. Arrest and examination of John Fowler, on a charge of aiding in the spiking of cannon in Westchester county, ... 262
38. Order for arrest of William Lownsberry on a like charge, ... 262
39. Requisition on Treasurer in favour of Captain Benjamin Ledyard, for expenses incurred in charge of prisoners, ... 263
40. Order for imprisonment of Godfrey Hains, in Ulster county jail, arrested and transmitted by New-Jersey Committee of Safety; and letter to Ulster county committee, ... 263
41. Arrest, examination and imprisonment of William Lownsberry, ... 264, 270, 271, 272, 273
42. Discharge of Lawrence Hartwick, on entering into security for good behaviour, ... 267
43. Examination and discharge of Joseph Purdy, William Sutton and Wm. Armstrong, on charge of aiding in spiking the cannon beyond King's Bridge, ... 270
44. Examination and order for imprisonment of Joshua Gedney on a similar charge, ... 271, 272
45. Examination and discharge of Geo. Shannon, ... 273
46. Arrest and examination, and order for imprisonment of Joseph Purdy, ... 276, 277
47. Arrest and examination, and order for imprisonment of Josiah Burrell, Thomas Hains and Isaac Gidney, ... 280
48. Arrest and examination, and order for imprisonment of Thomas Vernon, ... 281
49. Arrest, examination and discharge of Guerney Ten Eyck, ... 281
(See Queens County, 21, 22.)
50. Resolution of Continental Congress for the imprisonment of sundry disaffected inhabitants of Queens county; and order of Committee of Safety thereon, ... 289
51. Discharge of Jacob Mott, ... 289
52. Discharge of John Graham, on giving security for good behaviour, ... 290
53. Petition of Queens county prisoners, to go at large on parol; denied, ... 294, 295
54. Proceedings of Provincial Congress in the case of Jean Baptiste D'Gas, employed by Gen. Wooster as a conductor of, and interpreter for prisoners from Canada to Albany, submitted by letter from Gen. Lee, ... 298
55. Letter from Provincial Congress to inhabitants of Queens county, requesting the collection of evidence relative to the conduct of the prisoners apprehended in, on charge of hostility to the public liberties, ... 300
56. Petition of John Willett and fourteen other persons, praying to be relieved from confinement, ... 302
57. Petition of Elizabeth Atherton for discharge of her husband; and reference to New-York committee, ... 303
58. Discharge of Joseph French, on security for his appearance, &c. 305
59. Discharge of John Willett and fourteen others; bond of, ... 305
60. Examination of Christopher Duychinck, on charge of taking and detaining a watch belonging to a member of Committee of Safety, ... 311
(See Elizabethtown, 5.)
(See Richmond County, 13.)
61. Proceeding of Provincial Congress in the case of Christopher Duychinck, ... 326
62. Arrest of Rynier Van Hoosen, ... 330
63. Examination and re-commitment of Wm. Lownsbury, Isaac Gidney, Joseph Purdy and Cornelius McCartney, on charge of assisting in spiking the cannon at King's Bridge, ... 341, 342
64. Examination of Captain John Johnson, arrested on charge of having caned Alexander Leslie; and proceedings of Provincial Congress thereon, ... 344, 345, 342
65. Order for apprehension and imprisonment of Thomas Vernon, on charge of hostility to the liberties of America, .. 344
66. Examination of Alexander Leslie, ... 344, 345
67. Examination of sundry prisoners taken from ship Sally, &c. . 370
68. Discharge of John Young, and order for safe conveyance of, to his parents at Philadelphia, ... 371
69. Examination of David Ketch and Wm. Douglass, on charge of firing at the port guard, in the city of New-York, ... 372
70. Transfer of Isaac Gidney to the jail in Westchester county; and discharge of Joseph Purdy, ... 388
71. Letter from Brig. Gen. Heath, requesting pass from Captain Vandeput, for sloop with prisoners from St. Johns, to proceed to Brunswick, and return, ... 395
71. Discharge of Azor Betts and John Blackler, on subscribing the general association, acknowledging their penitence, and entering into an engagement not to bear arms against the Colonies, ... 399
72. Examination of Peter Dubois, on charges exhibited against

PAGE.

PRISONERS—CONTINUED.

him by Rev. Bernard Page, Ethan Sickles and others; discharge and reprimand of, ... 403, 404
73. Return of prisoners in the jail, &c. of the city of New-York, 408
74. Letter from Committee of Safety to Gen. Washington, requesting the exchange of prisoners on board the Asia.... 409
75. Examination of Edward Tylee, one of the prisoners on board the Asia, ... 410
76. Apprehension of Derby Doyle, on charge of correspondence with and aid to ministerial army and navy, ... 413
77. Order for arrest of William Winterton, an agent in the employ of the ministry, ... 415
(See Dutchess County, 35.)
78. Arrest of sundry prisoners, from Westchester county, by committee of New-Jersey; and transmission of, to New-York, ... 418, 423
79. Examination of Harry Smith, ... 423
80. Discharge of Isaac Gidney and Joshua Gidney, on giving security for appearance and conduct, ... 429
81. Arrest and examination of Joseph Blanchard and Peter Puillon, on charge of traitorous correspondence with the enemy; proceedings thereon, ... 431, 432, 433
82. Affidavit relative to conduct of Thomas Wooley, a private in Capt. John Sand's company; and order for arrest of, ... 432
83. Resolution of Provincial Congress recommending prisoners on parol to be sent to Goshen, Orange county, ... 436
84. Examination and commitment of Thomas Wooley, ... 438, 439
85. Arrest, examination and commitment of Henry Dawkins, Isaac Young, Israel Young, Isaac Ketchum and John Anderson, on charge of counterfeiting the Provincial currency, ... 437, 443 to 448, 464
86. Appointment of committee to examine and try all persons confined by order of Provincial Congress and Committee of Safety, ... 462
87. Arrest, examination and commitment on parol of John Moore, Jr. on charge of hoisting a flag on his grounds in Newtown, in imitation of the British flag, ... 464
88. Order for imprisonment of Thomas Harriot, on conviction of refusal to receive in payment Continental bills, &c.... 465
89. Order for imprisonment of Philip Youngs, charged with counterfeiting Continental money; discharge of, ... 471, 497
90. Letter from Gen. Putnam, communicating complaint against Sergeant McFall, of the 26th regiment, taken at St. Johns; report of committee respecting, ... 471, 478
91. Letter from Gen. Putnam, respecting prisoners at the fortifications at the Highlands; and resolutions of Provincial Congress thereon, ... 471, 472
92. Examination of John Livingston, Jr. for refusal to produce his furlough when required by committee of Queens county; order of Provincial Congress thereon, ... 480, 481
93. Arrest and imprisonment of Jonathan Baker and Stephen Fountain, charged with taking up arms against the public liberties, and holding traitorous correspondence with the enemies of the country, ... 484
94. Arrest and imprisonment of Micha Lynch and Thomas Hickey, soldiers of the Continental army, on charge of attempting to pass counterfeit bills of credit; examination and order respecting, ... 495, 496, 497
96. Augustus Van Horn, Vincent P. Ashfield, and Thomas W. Moore, discharged, on signing the general association: and John L. C. Roome, on refusal to sign; recommended, ... 508
97. Arrest, examination and commitment of John Alner, on suspicion of visiting the enemy's ships at Sandy-Hook, .. 508
98. Resolution of Provincial Congress, directing the sheriff of the State to retain in their custody, until discharged by due course of law, or until the further order of Provincial Congress, ... 518
99. Appointment of committee for disposition of, &c. 518
100. Petition of Samuel Smith and Cadwallader Colden, Jr. confined in Ulster county jail; reference to Ulster county committee, ... 525
101. Order for apprehension and imprisonment of James Horton, Jr. William Sutton, and John Sutton, on charge of being engaged in schemes and practices against the public liberties, ... 528
102. Arrest and imprisonment of George Davy, and William Tucker, as suspicious persons, ... 529
103. Report of committee relative to imprisonment of, &c. 530
104. Letter to committee of Litchfield, Connecticut, accompany the transmission of, to the jail in that place, ... 531
105. Answer of Litchfield committee, ... 541
106. Letter to Gov. Trumbull, relative to suitable provision for the security of such prisoners, ... 543
107. Letter to Gov. Trumbull, relative to Litchfield committee, . 543
108. Examination, recommitment and discharge of John Thomas, a deserter from the British ship of war, the Lively, 544, 545, 547
109. Examination, recommitment and discharge of William Sutton, ... 545, 547
110. Letter from Convention to chairman of Philadelphia committee, transmitting William Sutton, to the jail at, ... 547
(See Stewart, Alexander.)
111. Admonition and discharge of John Sutton, ... 548
112. Letter from Abraham C. Cuyler, John Duncan, Stephen De Lancey, Benjamin Hilton, and John Monier, praying to be

PAGE.

PRISONERS—CONTINUED.

released from confinement; proceedings of Convention thereon, ... 555
113. Arrest, examination and committal of Thomas Willett, late sheriff of Queens county, on charge of certifying and publishing declarations of Richard, Viscount Howe and Gen. Howe, by order of Gov. Tryon,..... 558, 559
114. Arrest, examination and discharge of Edward Willett, Edward Willett, Jr. and Thomas Hicks, implicated in the same proceeding,.. ..... 561, 562
(See Ulster County, 57, 67.)
115. Petitition of, confined in the jail at White-Plains, for discharge, and statement of offences of,..... 581, 582
116. Report of Abm. W. Depeyster, relative to the disposition of, in Connecticut,..... 583, 584
117. Letter from D. Matthews, complaining of his treatment, and answer of Convention and letter to Governor Trumbull,. 596 597
118. Order for the arrest and imprisonment of John Woolley, for correspondence with British vessels,..... 602
119. Examination of John Woolley, ... 609
120. Apprehension and examination of William Warne; order for commitment of,..... 617, 618, 619, 620, 621
121. Order for imprisonment of Isaac Ketcham and Samuel Skidmore, on charge of treasonable practices against the State, ... 654
122. Letter from committee of Goshen precinct, relative to certain Scotch prisoners; report of committee, and proceedings thereon, ... 667
123. Petition of John Bloomer, confined at Springfield, in Massachusetts Bay, for removal and discharge on his parol of honor; report of committee, and resolution of Committee of Safety thereon, ... 758
124. Order for apprehension of Capt. Phineas Ford, on charge of plunder and felony, and escape of,..... 764, 765
125. Capt. Isaac Belknap's report, relative to the escape of Capt. Ford,..... ..... 764, 765
126. Reward offered for apprehension of,..... 765
127. Petitions of John Moley and Stephen Lyon for relief, and reference of,..... 775
128. Letter from, requesting permission to remain with his family until his exchange can be effected, ... 777
129. Apprehension and discharge of John Bloomer,.....777, 785
130. Petition and documents of Peter Van Schaick, assigning his reasons for refusal to take the oath of allegiance, and requesting permission to remove from this State, with his family and effects,..... 794, 795
131. List of, apprehended by order of the committee of Orange county, and disposition of, by Convention, ... 872
(See Albany City and County, 74, 79, 81, 83.)
(See Tryon County, 28.)
132. Report of committee for the examination and disposition of the persons apprehended by Maj. Wisner, transmitting the examination by them,..... .....885, 886
133. Examination of Samuel Herrin,..... 886
134. Letter to Governor Trumbull, of Connecticut, respecting permission to, confined in that State, to go at large, on parol,..... 887
135. Resolution of Convention, for delivery of, in Ulster, Dutchess and Orange, with the proofs against them, to General George Clinton, for trial by court martial, ... 889
136. Order for imprisonment of Thomas Hedding,..... 891
137. Order for imprisonment of Abraham Smith, on charge of being engaged in a conspiracy,..... 898
138. Order for imprisonment of Isaac Low, ... 899
(See Courts Martial.)
139. Order for confinement of William Smith and John Patterson, within the manor of Livingston, on parol,.. 960
140. Order for confinement of Henry Cuyler, in the town of Hurley,.. 962
141. Petitions of sundry prisoners in confinement at various places, for pardon and relief,.963, 966, 972, 973, 974, 976, 981, 1004
(See Connecticut, 66.)
142. Resolution of Council of Safety, for the transportation of, confined in the New-England States, to the Fleet prison at Esopus,..... 968
143. Resolution of Council of Safety, inquiring as to the discharge of, sent to the jail at Philadelphia, ... 968
144. Letter to delegation in Congress respecting, ... 970
145. Regulations for the government and management of the Fleet prison,.....973, 974
146. Requisition on Treasurer in favour of Cornelius C. Elmendorph, commissary of provisions of,..... 974
147. Discharge of John E. Van Alen, ... 976
(See Philadelphia. 5.)
148. Affidavits, &c. and order for discharge of Benjamin Darby, ... 1008
149. Resolution of Council of Safety for transmission of, confined in the Fleet prison, to Hartford, in Connecticut; letter to Gov. Trumbull thereupon, ... 1063
150. Letters from Ezekiel Williams, commissary of, for Connecticut, respecting; and resolutions of Council of Safety respecting..... .... 1073, 1100
151. Letter from William Smith, requesting permission to go to the city of New-York; permission denied, ... 1079
152. Appointment of commissioners to superintend the return of, from Hartford to this State,..... 1105, 1106

PAGE.

PRISONERS—CONTINUED.

153. Commissioners for detecting conspiracies, &c. authorized to discharge parols of, &c..... 1116
154. Commissioners for superintending removal of, from Hartford, authorized to permit enlistment of, in any of the five Continental or Col. Malcom's regiments, with certain regiments, with certain restrictions,..... 1116

PRISONERS OF WAR.

1. Letter from Joseph Reed, adjutant-general, respecting provision for,..... 517
2. Appointment of John McKesson and Robert Benson, as commissaries for,... 581
(See Martin, Joseph, 4.)
3. Petitions of Jonathan Purdy, Jr. Rynier Van Housen, and John Fowler, praying to be admitted to their parols, ... 627
4. Resolution of Committee of Safety, authorizing the removal of, from Westchester county, to Woodbury, in the State of Connecticut, ... 683
(See Stewart, Alexander.)
5. Report of Ebenezer Lockwood, relative to removal of, from Westchester county,..... 691
6. Letter from Josa. Loring, commissary of, at New-York, relative to passports for, exchanged, ... 767
7. Answer of Committee of Safety,..... 767
8. Resolutions for the disposition of the effects of sundry persons violating their parols, and having rejoined the enemy,. 769
9. Letter from Brig. Gen. McDougall, transmitting sundry persons therein named as,..... 796
10. Letter from Edward Dunscomb, son of Daniel Dunscomb, a prisoner at New-York, requesting that an exchange may be effected for him,..... 803
11. Letter from Committee of Safety to Gen. Washington, relative to exchange of, ... 805
12. Petition of Moses Knapp, confined in Kingston jail, for relief,..... 838
13. Order for confinement of John Cummings and Alexander Cruikshanks, prisoners on parol,..... .. 838
14. Resolution of Convention for exchange of James Jauncy, Jr. for Major West, of the Pennsylvania battalion, ... 850
15. Order to committee of Albany, for the apprehension and confinement of,..... 857
16. Letter from Col. Alexander Hamilton, informing of the approval of Gen. Washington of the exchange of Major Edmondston; order thereon,..... 883
17. Application of John Gamble to be exchanged; resolution of Convention thereon,.. 888
18. Letter from Council of Safety to delegation in Congress, respecting the publication in this country and Europe, of the report of Committee of Congress relative to the treatment of, by the British,..... 947
19. Letter from secretary of board of war, requesting an account of expenses for,..... 982
20. Letter from Col. Van Schaick, accompanying the transmission of, ... 1014, 1040
21. Examination of Francis Horsman, a prisoner of the 53d regiment, relative to the condition of the British army,..... 1021
22. Appointment of Abraham B. Bancker as commissary of, in place of Christopher Bancker, resigned, ... 1029
23. Permission to John Patterson to proceed to New-York, for the purpose of effecting an exchange; bond for return,... 1082
24. Letter from Convention to Delegates in Continental Congress, transmitting accounts and vouchers of disbursements by this State for,..... .. 1111

PRIVATEERS.

1. Proceedings and resolutions of Continental and Provincial Congress, relative to commissioning of, and issuing letters of marque and reprisal, and instructions of Continental Congress to the commanders of such vessels,... .357, 407, 408
2. Commission granted to James Smith, commander of the armed sloop Gen. Schuyler, ... 411
3. Commission granted to Thomas Cregier, of the Gen. Putnam, and instructions to,..... ... .411, 438
4. Commission granted to William Rogers, of the Montgomerie, and instructions,..... .....411, 414
5. Letter from James Smith, commander of the Gen. Schuyler, returning his commission, ... 470
6. Commission to John Warner, as commander of the barque Washington,..... 503
7. Commission to Joseph White, for brigantine Enterprise,.... 510
8. Commission to Stewart Deane, for sloop Beaver, ... 510
9. Letter from officers and mariners of the privateer Putnam, relative to a mutiny on board of said vessel,..... 638
10. Resolution of Committee of Safety for the sale of the armed schooner Putnam,..... 665, 697
11. Resolution of Committee for defraying the expenses of fitting out and paying off the wages of the officers and crew of the sloop Montgomery, ... 680
12. Appointment of Col. Broome as agent for sloop Montgomery, with authority to refit, &c. 803
13. Letter from Committee of Safety to delegation in Continental Congress, informing of the arrival of Capt. William Rogers of the armed sloop Montgomery, at Baltimore, with a brig and schooner taken by him, and requesting assistance in procuring a condemnation of said brig, effecting sales of the prizes, and refitting; letter to Capt. Rodgers, ... 805

PAGE.

PRIVATEERS—CONTINUED.

14. Letter from Convention to Peter Colt, agent for sloop Montgomery, ... 845
15. Letter from Francis Lewis, one of the Delegates from this State in Continental Congress, relative to the disposition of the clothing and other cargo of the sloop Montgomery, and the proceedings of Congress thereon, &c..... 858, 859
16. Letter from Col. John Broome, relative to the Montgomery vessel of war, ... 915
17. Resolution of Convention for the payment of the wages of the crew of the armed sloop Montgomrcie, for their discharge, and for the sale of said vessel, ... 955
18. Instructions to auditor-general, relative to the settlement of the accounts of the armed sloop Montgomerie, and resolution for the payment to Capt. William Rodgers, late commander of said sloop, of four thousand pounds, for prize money, to himself and crew, ... 991
19. Letter from Col. John Broome, informing of the sale of the sloop Montgomerie, ... 992
20. Letter from Francis Lewis, transmitting accounts relative to the prices of the armed sloop Montgomerie, ... 1001

PRIVILEGE, BREACH OF.
(See Provincial Congress, 13.)
(See De Lancey, John.)

PRIZES AND PRIZE VESSELS.
(See Marine Committee, 3.)
(See Hallett, Joseph, 11.)

1. Capture of brig Temple, and a Bermudian sloop, by the Continental sloops Schuyler and Mifflin, and the armed sloop Montgomerie, ... 642
(See Privateers.)
2. Letter from Francis Lewis, one of the Delegates from this State in Continental Congress, relative to the disposition, by Congress, of the clothing and other cargo captured by the armed sloop Montgomery, and resolutions of Convention thereon, ... 858, 859

PROVINCIAL CONGRESS.

1. Letter from the New-York Committee to the counties, requesting the election of Delegates to, ... 5
2. Organization of, and names and credentials of Deputies attending, May 23, 1775, ... 7, 8
3. Officers of, ... 7
4. Votes in, how taken, ... 8, 101
5. Rules of, ... 8
6. Resolution offered by Mr. Low, respecting competency and powers of, and votes on said resolution, ... 8, 9
7. Resolution for opening proceedings of, each morning, with prayer, ... 9
8. To determine the number of men, not exceeding three thousand, necessary for the defence of the city of New-York, the fortifications at or near King's Bridge, the batteries at the Highlands, and the posts at or near Lake George; to appoint officers and prescribe rules and regulations for government of, ... 16
9. Directions to, by Continental Congress, respecting bounties, clothing and pay of troops, and period of enlistment, ... 16
(See Resolutions of Provincial Congress.)
10. Letter from, to Continental Congress, enclosing communication and documents from Albany committee, ... 24
11. Recognition by, of election of Delegates to Continental Congress, by Provincial Convention, ... 51
12. Resolutions, proceedings and report of, respecting plan of accommodation with Great Britain, and letter from Delegates in Continental Congress respecting, .. 20, 26, 50, 52 to 54, 58, 59
13. John De Lancey reprimanded by President, for an insult to Mr. Scott, and the dispute between them enjoined to be stopped, ... 101
14. Appointment of committee of ways and means, for discharging debts contracted by, ... 101
15. Appropriation of $ 175,000 by Continental Congress, to discharge debts of, contracted by, ... 102
16. Committee of observation appointed to employ boats to sail eastward, for the discovery of any fleet sailing towards New-York; authorized to insure boats employed by, for this purpose, against seizure, ... 110, 111, 113
17. Resolutions of, for administering oath of secrecy to members and officers of, and all persons employed by; form of oath, ... 116, 117
18. Proceedings of, relative to dissolution of, and election of new Delegates, ... 180, 185
19. Accounts of Secretaries of, audited, ... 188
20. Organization of, chosen on the 14th November, 1775, ... 205
21. Votes in, how directed to be taken, ... 206
22. Rules of, for transaction of business, ... 206
23. Hour of meeting and adjournment, ... 206
24. Sessions of, removed to Assembly Chamber of General Assembly, ... 208
25. Letter to absent members of, ... 240
26. Appointment of committee to report a plan for a third Provincial Congress, ... 332
27. Proceedings of Provincial Congress thereon, ... 352
28. Letter from Wm. Paulding, Chairman of Committee of Safety, recommending the meeting of, ... 410
29. Organization of third Provincial Congress, ... 448
30. Votes in, how directed to be taken, ... 450
31. Rules of, ... 450

PAGE.

PROVINCIAL CONGRESS—CONTINUED.

32. Resolutions of, declaring military officers ineligible to a seat in, ... 495
33. Resolutions for the adjournment of, to White-Plains, in Westchester county, and for the transfer thither of the public treasures and records, and the military stores, ... 512
34. List of members of, ... 512, 513
35. Organization of fourth Provincial Congress, ... 515
36. Resolution of, changing the style of, to that of "Convention of the Representatives of the State of New-York," 519
37. Adjournment of Provincial Convention to Harlem, ... 548
38. Adjournment of Provincial Convention to Fishkill, ... 599
39. Ratification of acts and proceedings of, ... 887

PROVINCIAL CONVENTION.

1. Deputies to, held at the Exchange, in the city of New-York, April 20, 1775, ... 1
2. Organization and proceedings of, ... 1
3. Votes in, how taken, ... 1
4. Election by, of Delegates to Continental Congress, ... 4
5. Recognition of, by Provincial Congress, ... 51
6. Recognition of, by Convention of Representatives, ... 887

PROVINCIAL CURRENCY.
(See Colonial Paper Currency.)

PROVISIONS AND SUPPLIES.

1. Directed to be furnished to garrisons stationed at Ticonderoga and the south end of Lake George; instructions respecting, ... 10, 11, 12, 18, 21
2. Appointment of Peter T. Curtenius as commissary of, and instructions to, ... 27
3. List of men and articles directed by Provincial Congress to be furnished by commissary, and forwarded to south end of Lake George, ... 28
4. Letter from Provincial Congress to Delegates in Continental Congress, respecting the lading of provisions for the use of the army and navy at Boston, consigned to Messrs. Lopez & Rome, at Rhode Island, on board of vessel of Captain Coffin, ... 38
5. Resolutions of Continental Congress, requesting Provincial Congress to forward to camp at Boston, five thousand barrels of flour for use of the Continental army, ... 39
6. Proceedings of Provincial Congress thereon, ... 39, 40
7. Commissary-General directed to purchase and forward to Albany 300 barrels of pork, ... 40
8. Return from John N. Bleecker of, received from New-York, and of the quantity forwarded to Fort George, ... 44, 45
(See Curtenius, Peter T.)
9. Letter to John Alsop, of Philadelphia, relative to purchase of blankets, ... 60
(See Phelps, Elisha.)
10. Receipt from Philip Lansingh to Egbert Dumond, for 200 barrels of flour for use of troops at Ticonderoga, ... 65
(See Albany, 10,13, 13.)
(See Van Rensselaer, Philip. 1.)
(See Trumbull, Jonathan, Jr.)
(See Livingston, Peter Van Brugh, 7.)
11. Resolution prohibiting the departure of vessels containing, without permission, ... 123
(See Rhode Island, 3, 7.)
(See Ships and Vessels.)
(See Resolutions of Provincial Congress, 49.)
(See Livingston. Peter Van Brugh, 11.)
(See Drake, Col. Gilbert.)
12. Appointment of committee to employ and despatch vessel for purchase of; appropriations for, and mode of expenditure, ... 145, 148, 183, 212
(See Massachusetts Bay, 17.)
13. Measures for protection of stock against seizure by the British troops, ... 220
(See Westchester County, 29, 30, 41, 43.)
14. Resolution of Provincial Congress, prohibiting all obstruction in the supply of, ... 329
15. Resolution of Provincial Congress of New-Jersey, repealing embargo on exportation of, ... 330
16. Directions for providing magazines of, ... 357
17. Letter from General Washington to Provincial Congress, respecting purchase of, from sundry disaffected persons on Long island, ... 492, 493
18. Resolution of Provincial Congress, authorizing commissary-general to take, on refusal to sell, on payment of the market price thereof, ... 494
19. Resolutions of Continental Congress, prohibiting the exportation of salted beef and pork, ... 497
20. Resolutions of Provincial Congress, recommending the sale of, to commissary, by the inhabitants, at a reasonable price, and providing for valuation thereof, ... 503
(See Washington, George, 66.)
21. Resolution of Convention for the purchase of wheat for the use of the army, and for the supply of flour, ... 689.
22. Appointment of committee to devise ways and means for the better procuring of, and for the prevention of monopoly and engrossing in, ... 775, 795
23. Resolutions of Committee of Safety, for the sufficient supply of, for the use of the northern army, ... 800
(See Prices.)

PROVOST, REV. SAMUEL.

1. Appointed chaplain to Convention, and directed to open its

PAGE.

PROVOST, REV. SAMUEL—CONTINUED.
daily sessions with prayer, and perform divine service on Sundays, ... 810
2. Declension of, ... 818

PUBLIC DEBT.
1. Appointment of committee to consider the ways and means best adapted to discharge, ... 101
2. Appropriation of $175,000 by Continental Congress, to discharge of, ... 102
3. Report of committee of ways and means, ... 105
4. Resolutions respecting time for sinking of, ... 223
5. Directions for receipt of additional sum of money from Continental Congress, ... 224
(See Loans.)
(See Bills of Credit.)
(See Continental Currency.)
(See Colonial Currency.)

PULVER HENDRICK.
1. Appointment of, as captain of the ninth company in Colonel Peter R. Livingston's regiment of militia, ... 773

PURDY, DAVID.
1. Directed to be brought before Committee of Safety; reprimand and discharge, ... 153, 154

PURDY, EBENEZER.
1. Appointment of, as major of militia in Westchester county, . 526

PURDY, ISAIAH.
1. Letter and affidavits from Committee of Safety of Newburgh and New-Windsor, respecting conduct of, in opposition to the liberties of the American Colonies, ... 81, 82
2. Sent by Committee of Safety as prisoner to Col. McDougall's camp, ... 82
3. Liberation of; letter from Provincial Congress to committees of Newburgh and New-Windsor; and admonition to., ... 93

PUTNAM, ISRAEL.
1 Appointment of as major-general by Continental Congress, . 68
2. Letter from, to Committee of Safety, requesting the completion and forwarding of the four New-York regiments, to the city of New-York, without delay, ... 401
3. Letter from, to Committee of Safety, requesting a guard for city records, ... 402
4. Instructions from Gen. Washington, to, for the regulation of his conduct, in respect to the determination of Provincial Congress, relative to the tories, and to concert measures with Gen. Greene, &c. during General Washington's absence, ... 456
5. Letter from, informing of the inoculation of a number of people for the smallpox in the city of New-York, and requesting the action of Provincial Congress thereon, ... 459
6. Communication of thanks of to Provincial Congress for their exertions, and that of the general committee for preventing the spread of the smallpox; answer of Provincial Congress, ... 463
7. Letter from, to Provincial Congress, informing of the visitation of tories in jail, by ladies, &c. 467
8. Letter from, informing of complaint against Sergeant McFall of the 26th regiment, taken at St. Johns, ... 471
9. Letter from, requesting the order of Provincial Congress, respecting the tory prisoners at the fortifications at the Highlands; transmitting a list of such prisoners; resolutions and answer of Provincial Congress thereon, ... 471, 472
10. Letter from, respecting proceedings of the enemy, ... 956
11. Answer of Convention, ... 957
12. Letter from Council of Safety to, transmitting copy of a letter from General Schuyler, expressing his surprise at the conduct of the general officers in evacuating Ticonderoga, 992
13. Answer of Gen. Putnam, ... 994
14. Letter from, transmitting copy of the trial and sentence of Edmund Palmer, as a spy, ... 1020
15. Letter from, to Gov. Clinton, respecting proceedings of, and requesting a temporary resumption of his command, in expectation of an immediate attack from the enemy, ... 1027
16. Letter from, to Council of Safety relative to proceedings of commissioners of sequestration in Westchester county; answer of Council, ... 1030, 1031

PYE, DAVID.
1. Letters from, respecting provision for apprehension of deserters from Capt. Johnson's company, ... 104, 161

Q.

QUAKERS. (See New-York City and County, 55.)
1. Deputation of, from a monthly meeting of Friends in the Oblong, in Dutchess county, requesting information relative to the imposition of certain test oaths; appointment of committee to confer with; report of, and resolutions thereon, ... 779
(See Hunt, Joseph.)
2. Order for apprehension and confinement of a number of; proceedings without permission to Long island, to attend their annual meeting, ... 972
3. Petition for the discharge of; granted, ... 1027

QUALIFICATION OF VOTERS.
1. Proceedings of Convention relative to, in the formation of the constitution, ... 843, 867

PAGE.

QUARTER-MASTER-GENERAL.
(See Mifflin, Thomas.)

QUARTER-MASTERS.
1. Appointment of, for second regiment, ... 62
2. Appointment of, for first regiment, ... 66
3. Appointment of, for Ulster county militia, ... 135
4. Appointment of, for regiment of minute men in Dutchess county, ... 135

QUEBEC.
1. Resolution directing letters to be written to the inhabitants of of the northern counties, respecting a contemplated incursion into the province of, ... 11
2. Addresss of Provincial Congress to inhabitants of the province of, ... 26
3. Information relative to, communicated by Richard Jenkins, master of Thomas Ludlow's vessel, ... 123
4. Report of Continental troops, ... 256
5. Letter from Col. Rudolphus Ritzema, detailing the attack on; death of Gen. Montgomery; and capture of Col. Arnold's detachment, ... 286, 287
6. Resolutions of Continental Congress, directing the supply to Gen. Lee, of cannon and other necessaries for the seige or assault of, ... 318
7. Names and credentials of Deputies from to the third Provincial Congress, ... 449
8. List of tories and disaffected persons in, and resolutions of Provincial Congress respecting proceedings against, ... 476, 477
9. Appointment of officers of a troop of horse in Newtown, ... 583

QUEENS COUNTY.
1. Names and credentials of Deputies from, to first Provincial Convention, ... 1, 2, 3, 4
2. Proceedings at annual town meeting in Flushing, for choice of Deputies, ... 4
3. Proceedings at annual town meeting of Jamaica, Oysterbay and Newtown, ... 4
4. Resolution of Convention in, relative to Deputies attending from Jamaica, Queens and Newtown, not regularly chosen, ... 4
5. Names and credentials of Deputies from, to first Provincial Congress, ... 9
6. Non-attending Deputies from, requested to attend, ... 50
7. Members from, requested to report their opinion relative to the conduct of their constituents, with regard to the controversy with Great Britain, ... 50
8. Resolutions of Provincial Congress respecting dissent of a portion of inhabitants of, and the rights of the sitting members, ... 58, 59
9. Attendance of Joseph French, ... 66
10. Appointment of member of Committee of Safety for, ... 70
(See Wooster, David, 22.)
11. Provisions for impressment and appraisal of arms in the hands of persons not signing the general association in, .. 149
12. Proceedings for carrying such provisions into effect in; report of Maj. William Williams; and examination of witnesses, ... 156, 157, 158, 159
13. Proceedings and resolutions of inhabitants of Great Neck, Cow Neck, and all lately belonging to Captain Stephen Thorn's company; and choice of officers of; letter of Provincial Congress to, ... 173
14. Information respecting disaffections in, and suspicions of a design to enlist negroes, ... 215
15. Resolutions respecting inimical proceedings of certain inhabitants of; and requiring attendance of committee from, before Provincial Congress, ... 216, 229, 230
16. Commissary directed to deliver to Captain Skidmore, the arms received from company of, and pay appraised value of such as were sent into the public service, ... 227
17. Letter to Delegates in Continental Congress, respecting inimical proceedings in; and proceedings of Provincial Congress in relation thereto, ... 230
18. Petitions of Thomas Place and Gabriel Van Cott, of, expressing contrition for having opposed the choice of Delegates to Provincial Congress, and praying for a restoration to favour: order of Congress thereon, ... 237
19. Petitions of Captain Jacob Mott, Jackson Mott, and Seaman Weeks; and certificate of Committee of Safety thereupon, 252, 253
20. Letter to Col. Herd, respecting confinement of Jacob Mott, 273, 274
21. Obligations of sundry disaffected inhabitants of, received and filed 289
22. Resolution of Continental Congress, directing the imprisonment of sundry disaffected inhabitants of, ... 289
23. Petition of said prisoners, for permission to go at large on parol; denied, ... 294, 295
24. Letter to inhabitants of, informing of the apprehension of sundry persons in, considered inimical to the public liberties; and requesting the collection of evidence relating to charges against, ... 300
25. Petition of Wm. and Thos. Cock, of Oysterbay, for restoration to favour; granted, ... 314
26. Letter from Joseph Robinson, of Jamaica, relative to evidence against the persons apprehended in, by order of Continental Congress, ... 325

PAGE.

QUEENS COUNTY—CONTINUED.

27. Determination of Provincial Congress relative to militia of; and letter to Col. Blackwell and others, ... 339, 345
28. Information of imposition of test oath to sundry inhabitants of, &c and examinations relating thereto, ... 354, 355
29. Return of officers of militia company in Jamaica, ... 388
30. Return of officers of militia company in Newtown, ... 438
31. Examination of John Hendrickson, relative to proceedings of tories and disaffected persons on Long island, ... 454
32. Return of election of officers of militia of, in Flushing, ... 485
33. Return of election of officers of militia in the south district of Newtown, ... 499
34. Names and credentials of Deputies from, in fourth Provincial Congress, at White Plains, ... 515
35. Resolution of Provincial Congress for liberty to Rev. Mr. Ketteltas, a Deputy from, to attend the House at such times only as he may think proper, ... 516
36. Certificate of election of Wm. Ludlow, Jr. as captain of minute company in Jamaica, in the stead of John J. Skidmore, promoted to a majority, ... 550
37. Loan to committee of, for the public service, ... 551
38. Order for apprehension of Thomas Willett, late sheriff of, on charge of certifying and publishing declaration of Richard Viscount Howe, and Wm. Howe, attested by Governor Tryon, ... 552
39. Arrest and examination of, ... 558, 556
40. Order for apprehension of Edward Willett, Thomas Willett, Edward Wiliet, Jr. Lawson, a schoolmaster at Flushing, and Thomas Hicks, Esq. an attorney at law, ... 559
41. Order for imprisonment of Thomas Willett, ... 559
42. Arrest, examination and discharge of Edward Willett, . 561, 562
43. Arrest, examination and discharge of Edward Willett, Jr. . 562
44. Arrest, examination and discharge of Thomas Hicks, ... 562
45. Order for examination of Nathaniel Mills, ... 562
46. One-half of militia of ordered to Nassau island, ... 566
47. Appointment of field officers of the militia drafted from, ... 568
48. Election of William Lawrence, as captain of a company of militia at Newtown, ... 572
49. Order for apprehension and examination of Elizabeth Hicks, 572
50. Militia of, ordered into service for the protection of the stock and provisions of, ... 586
51. Resolutions of Convention for removal of stock from, to Hempstead Plains; and for defence of, against the incursions of the enemy, ... 588

(See Nassau Island.)
(See Long Island.)
(See Remsen, Jeromus.)

52. Resolutions of Committee of Safety relative to organization and disposition of militia of, ... 603

(See Smith, Josiah.)

53. Appointment of Representatives in Assembly for, ... 918

QUIT RENTS.

1. Resolutions of Convention for seizing and taking into custody the books of the late receiver-general of New-York, relative to, ... 554
2. Resolution of Convention declaring such rents formerly due to the King of Great Britain to be due to the government of the State of New-York, ... 554

R.

RANDON, ELIZABETH.
(See New-York City, 20.)

RANGERS.

1. Resolutions of Convention for the organization, command, pay and subsistence of sundry corps of, in the western and eastern counties of the State, for the defence and protection of the frontiers, ... 538, 539
2. Requisition on Treasurer for payment of bounties to, ... 540
3. Commission to Joab Hoisington as major of, in the counties of Cumberland and Gloucester, ... 540, 541

(See De Witt, Jacob Rutzen.)

4. Resolutions of Committee of Safety relative to pay, bounty and subsistence of, ... 685
5. Requisition on Treasurer in favour of John Moore, for payment of bounty and subsistence of, in Tryon, Albany and Charlotte counties, ... 686, 687

(See Charlotte County, 12.)
(See Belknap, Captain Isaac.)

7. Requisition on Treasurer in favour of Captain Samuel Dellivan, for pay, bounty and subsistence of company of, in the manor of Cortlandt, ... 759
8. Requisition on Treasurer in favour of Captain Alexander Baldwin, for pay, bounty and subsistence of company of, in the county of Albany, ... 759, 826
9. Requisition on Treasurer in favour of Major Alexander Webster, for pay, bounty and subsistence of corps of, in Charlotte county, ... 759, 760

(See Bradt, John A.)
(See Scribner, Nathaniel.)
(See Hasbrouck, Elias, 3.)

PAGE.

RANGERS—CONTINUED.

10. Resolutions of Committee of Safety, and Convention authorizing the enlistment of, into the several Continental regiments, and prohibiting farther recruiting of, ... 813, 853

(See Demoth, Marcus.)
(See Bayley, Jacob.)

11. Resolutions of Convention, discharging the several companies of, ... 853
12. Requisition on Treasurer for payment of, in Cumberland and Gloucester counties, ... 916
13. Requisition on Treasurer for payment and subsistence of Captains Wiese and Kitman's company of, in Tryon county, ... 936
14. Gen. Bayley directed to order company of raised in Gloucester and Cumberland county, to march to Kingston, ... 947

(See Wait, Capt. Benjamin.)

15. Companies of, commanded by Captains John Strong and Simon Stevens, placed under the direction of Gen. Schuyler, ... 979
16. Resolutions of Council of Safety, for raising two companies of, in the counties of Albany, Tryon and Ulster, for the protection of the frontiers, appointment of officers, and instructions to, relative to attacks upon the savages, ... 1001
17. Letter to Maj. Gen. Schuyler, thereupon, ... 1002

RECORDS.

1. Letter to Samuel Bayard, Jr. and Augustus Van Cortlandt, respecting provision for safety of, ... 135
2. Letter from Augustus Van Cortlandt, respecting, ... 138
3. Letter from Samuel Bayard, Jr. 140
4. Directions to, and interview with Samuel Bayard, Jr. respecting safety of, ... 285
5. Removal of town records to Yonkers, Westchester county, .. 285
6. Order for removal of Colonial records to the house of Nicholas Bayard, ... 291
7. Permission to Samuel Bayard, Jr. to leave the house aforesaid, on leaving stated clerks during his absence, ... 296
8. Provision for guard to protect, ... 339, 396, 402
9. Resolution of Provincial Congress, for removal of, to Kingston, in Ulster county, ... 494
10. Appointment of commissioners for the removal to Kingston, 676

(See Westchester County, 73.)
(See New-York City and County, 187.)

11. Resolution of Convention for raising an armed force for the protection of, &c. 904
12. Resolutions of Council of Safety, relative to the preservation of, &c. 1066
13. Letter to committee of Albany respecting; answer of committee, ... 1077, 1083

RECRUITING OFFICERS.

1. Instructions of Continental Congress to, on raising troops for defence of Canada; and provision for payment of, ... 266
2. Allowance to, for recruiting in the Continental service, ... 508

(See Gibson John, Auditor-General.)
(See Continental Congress, 221.)

REDUCTION OF TROOPS.
(See Schuyler, Philip, 34.)
(See Continental Army.)

REED, JAMES.

1. Appointment of, as major of minute men, in Dutchess county, ... 135

REED, JOHN.

1. Appointment of, as second lieutenant in Captain Van Wyck's company, Col. McDougall's regiment, ... 415

REGIMENTS.

1. Arrangement, numbering, rank and officers of, ... 62

REID, JOHN, JR.

1. Appointment of, as second lieutenant in Captain Bowman's company, ... 463

REID, JOSEPH, (Adjutant-General.)

1. Letter from, relative to provision in respect to prisoners of war, ... 517

RELIGIOUS TOLERATION.

1. Proceeding of Convention in the formation of the constitution relative to, ... 844, 845, 860

REMSEN, ABRAHAM.

1. Appointment of as major of the troops to be raised by draft from the militia on Nassau island, ... 534

REMSEN, JEROMUS.

1. Appointment of, as colonel of the militia drafted from Kings and Queens counties, ... 568
2. Resolutions of Committee of Safety relative to the organization and disposition of troops of; directed to join General Clinton, at King's Bridge; requisition on Treasurer in favour of, ... 603, 604
3. Resolution of Committee of Safety, directing Gen. Clinton to apprehend and detain levies and militia belonging to regiment of, disbanded without permission, ... 605

PAGE.

REMSEN, JEROMUS—CONTINUED.

4. Treasurer directed to stop the payment of accounts for regiment of, ... 614

REMSEN, WILLIAM AND JOHN.
(See New-York City and County, 60.)

REPORTS OF COMMITTEES.

1. Relative to plan of voyage to the West Indies, to obtain ammunition, &c. ... 232, 278, 279
2. Relative to the resolutions of Continental Congress relating to the defence of the Colony, ... 302
3. On the communication of Gen. Lee, relative to the appointment of a commissary for the Continental artillery stores, and the appointment of a company of artificers, ... 302
4. On the revision of the militia law, ... 305, 306
5. Relative to quotas of men to be raised in the several counties for service of the United Colonies, ... 307
6. Of military committee relative to expediency of obstructing the navigation of the East river, and restricting communication between inhabitants of the city of New-York and British ships of war, and regulating the supply of provisions therefor, &c. ... 308, 309
7. Plan for emission of a Colonel paper currency, ... 338, 339
8. For the encouragement of manufactories of powder, fire-arms, saltpetre and salt, ... 365, 366
9. On the danger to which the Colony is exposed from intestine enemies, and the ways and means necessary to be taken to guard against, ... 459
10. On the resolution of Continental Congress relating to a new form of government, ... 462, 463, 468, 469
11. On the expediency and practicability of impeding the navigation of the Hudson river between Nassau and Bedlow islands, ... 478
12. On the regulation of the militia, ... 478, 479
13. On the arrangement, appointment and arming of the militia required for the reinforcement of Canada and New-York, 483, 484, 486, 487
14. Relative to the form of the general association required to be signed by all suspected persons, &c. ... 500, 501
15. Relative to destination of prisoners, &c. ... 530
16. Relative to the case of Alexander Stewart, ... 547
17. Relative to calling out the Suffolk and Queens county militia for the protection of the stock on Long island, ... 589, 590
18. Relative to calling out the militia of Westchester, Orange, Dutchess and Ulster counties, ... 606
19. Relative to the condition of forts Montgomery and Constitution at the Highlands, ... 613
20. Relative to the proceedings of Gen. Schuyler, and the disposition of the militia of Dutchess and Ulster counties, ... 623
21. Relative to the condition of the treasury, the emission of bills of credit, and the means for supply of the treasury, 635, 636
22. Relative to the application of Joab Hoisington, for bounty to company of rangers, for the protection and defence of Gloucester and Cumberland counties, ... 659, 660, 661
23. Relative to the conduct of certain Scotch prisoners confined at Goshen, ... 667
24. For co-operating with Maj. Gen. Schuyler, in the defence of the northern and western frontiers of the State, ... 699 to 705
25. Relative to the arrangement of officers for the four battalions directed to be raised in this State, and the propriety of organizing a fifth, ... 712, 713
26. Relative to pay and subsistence rolls of Charlotte county rangers, ... 728
27. Relative to accounts of A. Hawkes Hay, ... 728
28. For escorting Lady Johnson to some proper and safe place of residence, ... 761
29. Relative to hire and demurrage of sloop Nancy, John Harrison master, from New-York to Bordeaux, in France and back, 773
30. On the petition of the committee of the manor of Rensselaerwyck, Claverack and Kings district, in Albany county, praying for the removal of sundry field officers in Kinderhook district, ... 773
31. Relative to the condition of the counties of Cumberland and Gloucester, ... 775, 776
32. Of conference with Mr. John Harper, messenger from the chiefs of the Ocoghquaga Indians, ... 801, 802
33. Relative to the establishment of an armoury, ... 807
34. Relative to the disposition of sundry articles taken by the militia of Gen. Geo. Clinton's brigade, ... 811
35. Relative to the claim of corps of rangers in Gloucester and Cumberland counties, commanded by Gen. Bayley, ... 841
36. Of conference with Generals George and James Clinton, Greene, McDougall and Washington, relative to the obstruction of the navigation of Hudson's river; the condition of the fortresses at the Highlands; the reinforcement those posts; the appointment of a proper officer to command the same, &c. ... 831, 832
36. On petition of Catharine Clopper, respecting personal property of Cornelius Clopper, ... 871
37. Relative to the letter from the chiefs and warriors of the Oneoghquaga tribe of Indians, relative to the proceedings of, ... 880
38. Relative to the examination and disposition of the prisoners apprehended by Major Wisner, ... 885
39. Relative to the disaffections and insurrections in the manor of Livingston, ... 918, 919

PAGE.

REPORTS OF COMMITTEES—CONTINUED.

40. Relative to furnishings blankets for the Continental troops at Ticonderoga, ... 1003
41. Relative to the relief of the inhabitants of the county of Tryon, ... 1051
42. On the memorial of John Wheelock, relative to the disbandment of his corps, ... 1051, 1052
43. Relative to pay and subsistence rolls of the men raised by order of the committee of Westchester county, for the defence thereof, ... 1055
44. Of conference with the Governor relative to the expediency of convening the Legislature or Convention, ... 1089, 1090
43. Of committee sent to ascertain the place for fixing a chain and erecting fortifications for obstructing the navigation of Hudson's river, ... 1117

RESOLUTIONS OF PROVINCIAL CONGRESS AND COMMITTEE OF SAFETY.

1. Relative to obedience due to recommendations of Continental Congress, and the competency and powers of Provincial Congress, ... 8, 9
2. For opening proceedings with prayer, ... 9
3. For providing ways and means for the discharge of moneys borrowed for the public exigences, and expenses incurred in carrying out the recommendations of the Continental Congress, ... 10
4. Discountenancing hostilities against Canada, ... 13
5. Approving proceedings of Continental Congress, ... 13
6. Recommending the formation of county and town committees, the signing of the general association, and directing the names of those refusing to sign such association, to be reported, ... 18
7. To indemnify sureties of Treasurer for moneys advanced for benefit of Colony, ... 21
8. Recommending inhabitants generally to arm, equip, form companies and discipline themselves, ... 21
9. To indemnify David Clarkson for moneys advanced by Treasurer, on loan, ... 26
10. Respecting plan of accommodation and reconciliation with Great Britain, ... 26
11. To indemnify Col. Abraham Ten Broeck, for security given to Treasurer, on loan, ... 27
12. Appointing Peter T. Curtenius commissary for the purchase of provisions and stores, and engage artificers and mariners; commissions of, and agreement to indemnify and allow interest on advances of, ... 27
13. Relative to embarkation of British troops from the city of New-York, ... 28
14. To defray expenses of Henry Watkeys, a gunsmith, for journey to New-Windsor, to consult with Robert Boyd, about the forging of gun barrels and making muskets, ... 30
15. Recommending the appointment of Col. Philip Schuyler as major-general, and Richard Montgomery, brigadier-general, ... 31
16. Declaring tumults, riots or mobs, originating in dubious interpretations of recommendations or resolutions of the Continental or Provincial Congress, to be an infraction of the general association; and directing applications for explanation of such recommendations or resolutions, to be made to Provincial Congress, ... 33
17. Preamble and resolution permitting James Rivington, printer, to return unmolested to his family, he having signed the general association, and asked pardon for his publications, ... 35
18. Respecting the removal of military stores belonging to the Crown, from Turtle Bay, and appointing a committee to proceed there, and direct the dispersion of persons engaged in such removal, ... 35
19. Offering a bounty for manufacture of powder, ... 36
20. Directing the restoration of arms and accoutrements taken from the British troops, on their embarkation fom New-York, ... 37, 38
21. Restoring Robert and John Murray to their commercial privileges, &c. ... 38
22. To indemnify committee for purchase of five thousand barrels of flour, for the use of army at Boston, under resolution of Continental Congress, ... 40
23. Relative to making of muskets, by Robert Boyd and Henry Watkeys, ... 41
24. Respecting attendance of certain Deputies from Queens county, and dissent of a portion of the inhabitants, ... 50, 58, 59
25. Respecting the killing of sheep and lambs, ... 51, 60
26. Recognizing the election of Delegates to Continental Congress by Provincial Convention, ... 51
27. Relative to intended address from corporation of New-York to Gov. Tryon, ... 66
28. Prohibiting the loading of provisions on board British vessels, intended for Newfoundland fishery, ... 67
29. Appointing Rev. John Peter Testard chaplain to Colonial troops, and French interpreter to Gen. Schuyler, and fixing his pay as, ... 67
30. Offering bounty of ten shillings for enlistment in Colonial troops, ... 67
31. Relative to the delivery of arms belonging to the corporation of the city of New-York, by a specified day, ... 69
32. For appointment of Committee of Safety to sit during recess of, and powers of, ... 69, 70

PAGE.

RESOLUTIONS OF PROVINCIAL CONGRESS—CONTINUED.

33. Offering a bounty for enlistment, ... 96
34. Relative to amount of Colonial troops, uniforms of, and allowance for use of arms, ... 101
35. Relative to destruction of barge belonging to His Majesty's ship Asia, ... 97, 98, 102
36. Relative to the procurement by the several committees and sub-committees, of arms for use of Continental army, ... 103
37. Relative to receipt and remission of appropriation made by Continental Congress, for discharge of debts contracted by Provincial Congress, ... 103
38. Directing a barge to be built by the mayor and magistrates of the city of New-York, in lieu of the one destroyed, belonging to ship Asia, ... 104, 105
39. Directing Cols. McDougall, Clinton and Holmes to proceed to Albany, with the men under their respetcive commands, ... 105
40. Respecting pay of officers, ... 105
41. Relative to exportation of flaxseed, ... 106
42. Declaring those persons obstructing the building of a barge for the ship Asia, in lieu of the one destroyed, factious and disorderly, and ordering Henry Sheaf to build the same, under protection of a detachment of Colonel Lasher's troops, ... 108, 109
43. For the erection of fortifications at the Highlands, and furnishing with cannon and other stores, including the cannon at the Battery, in New-York, ... 110, 113 114
44. Directing general committee of New-York to inquire relative to the sailing of a vessel, from that city, for St. Croix, with provisions on board for British army, at Boston, ... 111
45. Prohibiting the exportation of cattle, sheep, poultry or live stock, &c. 111
46. For administration of oath of secrecy to members and officers of, and all persons employed by; form of, ... 116, 117
47. Forbidding removal of cannon or stores from Battery at New-York, for strengthening the guards, and protection of the Governor's house, ... 122
48. Prohibiting the departure of vessels from the Colony, containing provisions, without permission, ... 123
49. Requiring certain oaths to be taken by owners and masters of vessels and sloops, with provisions on board, for foreign parts, ... 124
50. Relative to Capt. Lamb's company of artillery, ... 126
51. Relative to supplying provisions to His Majesty's ships, in the port of New-York, ... 126
52. For emission of £45,000 in bills of credit, to defray expenses incurred by Colony; provision for sinking, and quotas of the several counties, ... 128, 133, 134
53. Prohibiting all persons other than the Postmaster-General and deputy postmasters appointed by Continental Congress, from receiving postage on letters, except such as may arrive by packets from Great Britain, ... 130
54. For the punishment of persons furnishing provisions or other necessaries for British troops, holding traitorous correspondence, or resisting or denying the authority of the Continental or Provincial Congress; and for the arrest, trial, imprisonment, and sequestration of estates of all persons found in arms against the liberties of America, ... 131, 132
55. Of thanks to John Broome, for loan for public service, without interest, ... 134
56. Forbidding present payment of moneys borrowed of Abraham Lott, Treasurer, ... 134
57. For the distribution of gunpowder for the several counties, .. 135
58. Disapproving of the impressment and appraisal of arms found in the custody of persons not having signed the general association, recommended by Committee of Safety, ... 149, 184
59. For the apprehension and punishment of deserters, ... 155
60. Relative to the condition of public affairs, the causes of the controversy with Great Britain, the desire for a mutual accomodation on just principles, and the address and conduct of Gov. Tryon, &c. 210, 211, 217, 218, 219
61. Authorizing county committees to call in assistance from neighbouring Colonies, when necessary, ... 214
62. Authorizing county and town committees to arrest and imprison persons refusing to appear and give testimony before, when required, ... 215
63. Fixing the compensation of Delegates in Continental Congress at $4 per day, ... 220
64. Relative to alteration of the period for sinking the Colonial debt, by redemption of paper currency, and a further loan from Continental Congress, ... 223
65. For the purchase and distribution of copies of the proceedings of Continental Congress, and of obnoxious acts of British Parliament, ... 225
66. Relative, to inimical conduct of inhabitants of Queens county, and neglect of inhabitants of Richmond county, to elect Representatives in Provincial Congress, ... 216, 229, 230
67. Directing the confinement of prisoners in the jail of Ulster county, ... 231
68. For the relief of indigent poor in the city of New-York, ... 231
69. Recommending inhabitants of the Colony to refrain from going on board the King's ships of war, ... 231
69. Directing inhabitants of other Colonies, coming into this, to be furnished with certificates from committees of the jurisdiction to which they respectively belong, ... 232
70. Authorizing the purchase of pitch, tar and turpentine, ... 232

PAGE.

RESOLUTIONS OF PROVINCIAL CONGRESS—CONTINUED.

71. For organization of artillery companies for defence of the Colony, &c. 239
72. Relative to restrictions, by county and town committees, &c. upon the supply of provisions for the city of New-York, .. 268
73. Prohibiting the exportation of salt from the city of New-York, ... 343
74. Offering loan of money, without interest, for the erection of powder mills, ... 349
75. Directing the receipt of Continental and Colonial paper currency in payment of loans by loan officers of the Colony, and suspending the payment of portions of, for a limited period, ... 350
76. Recommending the purchase of blankets and muskets, &c. .. 355
77. Authorizing loans to the several county committees, for the advancement of the public service, ... 356
78. Subjecting armed vessels for the protection of the trade of the Colonies, to the articles of war, prescribed by the Continental Congress, for the government of the navy of the United States, ... 384
79. Relative to uniform of the troops to be raised in the Colony, 385
80. For encouragement of the manufacture of saltpetre, ... 409
81. Prohibiting commerce between inhabitants of the Colony and Continental soldiers, ... 412
82. Prohibiting intercourse with British vessels, ... 412
83. Recommending to the inhabitants of the several counties, the election of Deputies to a Provincial Congress, for the purpose of establishing and organizing a form of government, ... 469
84. Relative to persons dangerous and disaffected to the American cause, and persons of equivocal character, 476, 477, 478, 512
85. Presenting the thanks of Provincial Congress to Gen. Washington, for his services to the United Colonies, and Colony of New-York, ... 486
86. Recommending to the inhabitants and electors of the Colony to vest their Representatives with full power to declare Independence of Great Britain, and to determine upon all questions of public interest, ... 490
87. For the removal of the public records of the Colony to Kingston, in Ulster county, ... 494
88. Declaring military officers ineligible as Delegates in, ... 495
89. For the purchase of the arms belonging to such of the privates of the Continental brigade, as may, when discharged, choose to dispose thereof, ... 498
90. Recommending to the inhabitants the sale of their cattle to the commissary-general and his agents, at a reasonable price, and providing for a valuation, &c. 503
91. For calling the militia of the Colony to the assistance of the Commander-in-chief, when required by him, and giving him authority to impress carriages and water craft, and to remove ships and vessels from the Hudson and East rivers, 503, 504, 512
92. Providing for the clothing of the troops, ... 505
93. For the removal of flax purchased on account of Provincial Congress, from the city of New-York to Poughkeepsie, 510, 511
94. For the adjournment of Provincial Congress to the White-Plains, in apprehension of an attack on the city of New-York; and the removal thither of the public treasures, records and military stores, ... 512
95. For the support of the Declaration of Independence, and for publication thereof throughout the Colony; and authorizing the delegation from this State, in Continental Congress, to concert and adopt all such measures as they may deem conducive to the happiness and welfare of the United States of America, ... 518
96. Directing sheriffs to retain all prisoners in their custody, until discharged by due course of law, or the further order of Provincial Congress, ... 518
97. Constituting a committee to carry into execution resolves with respect to disaffected persons, and for the disposal of prisoners other than prisoners of war, and other purposes; and powers of, ... 518
98. Changing the style of "Provincial Congress to the Colony of New-York," to that of "Convention of the Representatives of the State of New-York," 519

RESOLUTIONS OF CONVENTION.

1. For opening its daily sessions with prayer, ... 519
2. Authorizing the abandonment of the city of New-York, and the withdrawal of the troops to the north side of King's Bridge, ... 524
3. Ordering into service one-fourth part of the militia of the counties of Westchester, Dutchess, Ulster and Orange; allowing to each man a bounty of $20, with Continental pay and subsistence; recommending assistance to their families; providing for the raising of levies, the appointment of officers, and the furnishing of provisions; directing the stationing of the troops from Orange and Ulster at the Highlands, on the west side of the Hudson river, under the command of Brig. Gen. Clinton, and of the troops from Westchester and Dutchess, at Peekskill, under the direction of Gen. Washington; subjecting the troops so raised, to the articles of war established by Congress; and appointing Thomas Thomas, colonel, and Ebenezer Purdy, major, ... 525, 258

PAGE.

RESOLUTIONS OF CONVENTION--CONTINUED.

4. For the appointment of a secret committee, for obstructing the channel of Hudson's river, ... 526
5. Directing all magistrates and other well affected officers of justice to continue in the exercise of their respective offices, issuing process in the name of the State of New-York; defining and declaring the penalties of treason to the State; and recommending the apprehension and imprisonment of disaffected persons, ... 527
6. Instructing commissioners superintending the building of the ships at Poughkeepsie, ... 528
7. Authorizing secret committee to impress conveyances, horses and drivers, for the public service, and to call out the militia when necessary, and appropriating £5,000 for such purpose, ... 528
8. For the removal of the stock from Nassau island, ... 533, 534
9. Relative to the payment of the troops, ... 535, 536
10. Prohibiting the exportation of provisions, ... 537
11. For the organization of sundry corps of rangers, for the protection of the frontiers, ... 538, 539
12. For the issuing of an additional supply of bills of credit, 540, 571
13. For the encouragement of the manufacture of salt, ... 549
14. Appointing a day for fasting, humiliation and prayer, and providing for three sermons on such day, ... 554
15. Directing the general committee of the city of New-York to furnish Gen. Washington with the telescope belonging to the college of said city, and providing indemnity to the governor of said college therefor, ... 556
16. Absolving the members of committee for carrying into execution resolutions of Provincial Congress relative to disaffected persons, from their oaths, and from all farther duty required by those resolutions; and directing all matters charged on members as matter of secrecy, be charged upon their honor respectively, ... 560
17. Exempting troops of horse from draft as a part of the militia, and ordering into service, under Gen. Clinton, the several troops of horse in the counties of Ulster, Orange, Dutchess and Westchester, ... 564
18. For the appointment of a committee to negotiate a temporary loan, ... 562
19. Relative to enrolments in the militia, ... 566
20. For the drafting, organizing, and marching of militia, from the county of Albany to the encampment north of King's Bridge; of the militia of Kings and Queens counties to Nassau island; directing Gen. Morris to take possession, with his brigade, of such parts of the Sound and Hudson's river as he may deem most exposed; Gen. Clinton to reinforce the post northward of King's Bridge; that the militia in the counties of Orange, Dutchess and Ulster be kept in readiness to march on the earliest notice; that the disarmed and disaffected inhabitants accompany the militia as fatigue men; and prescribing penalties for neglect of duty or resignation of officers, &c. 566, 567
21. Appointing a committee to inquire into the authenticity of the rumor of disaffection in Kings county, and empowering such committee to disarm and secure the disaffected inhabitants; to remove or destroy the stock of grain; and to lay waste the county, in case they find the rumour true, 567, 568
22. For the emission of bills of credit, pledging the security of the State for their redemption, and imposing the penalty of death for counterfeiting, ... 570, 571
23. For the encouragement of the manufacture of saltpetre, .. 572, 573
24. For the encouragement of manufactures generally, ... 573
25. For the promotion of officers and privates distinguishing themselves by their sobriety, valour and subordination, .. 574
26. For the obstruction of the channel of the East river, between Governor's island and the Battery, ... 577
27. For the removal of women and children from the city of New-York, and the relief of the infirm and indigent inhabitants thereof, ... 578
28. For the relief and support of those who may be driven from their place of abodes, in consequence of invasion, ... 588, 589
29. Authorizing the county committees to dispose of tories and disaffected persons, ... 589
30. Directing a search of the house of Col. Josiah Martin, at Rockaway, for correspondence with enemy's army, and for the apprehension of Dr. Samuel Martin, ... 590
31. Directing Treasurer to keep accounts of the expenditures in apprehending, securing and subsisting disaffected persons, ... 590
32. Directing inhabitants of New-York and Westchester counties to drive their stock into the interior of the State, ... 603
33. Relative to the organization and disposition of the militia of of Kings and Queens counties, ... 603
34. Directing the establishment of a weekly post between Albany and New-York, on the east side of Hudson's river, 604
35. Authorizing Gen. Washington to cause the bells of the different churches and public edifices in New-York, to be taken down, and removed to Newark, in New-Jersey, to prevent their falling into the hands of the enemy, ... 610
36. For the purchase of flour for the use of the commissary-general, ... 629
37. Appointing a committee to devise ways and means for establishing a fund for the support of poor refugees, ... 630

PAGE.

RESOLUTIONS OF CONVENTION—CONTINUED.

38. Appointing a committee for preventing the dangers arising from disaffected persons, ... 633
39. Appointing a committee to examine into the condition of the treasury, and means for supplying the same, ... 633
40. Appointing a committee for the employment of proper persons for assaying sulphur, lead and flint, ... 634
41. Approving of the conduct of Gen. Schuyler, and requesting the withdrawal of his resignation, ... 635
42. Directing auditor-general to complete the settlement of accounts with the United States, and requesting of Congress an advance, on the credit of the State, and in payment of balance due the State from the Continent, ... 636
43. For the appointment of a committee to inquire into, detect and defeat conspiracies against the public liberties, and defining powers of, ... 638, 648
44. Authorizing the purchase and impressment of vessels for the the obstruction of the navigation of Hudson's river, ... 639
45. For transcribing journals of former Colonial Congresses, and of the Convention, ... 651
46. Appointing committee to take into consideration abuses in the sale of tea, ... 652
47. Appointing committee to devise ways and means for rendering the commuication by land, between the northern and southern parts of the State, and between this and the southern States, more easy and practicable, ... 657
48. For supply of necessary articles of clothing for the troops, 657, 667
49. For the repair of the post road from the north side of the Highlands to King's Bridge and the manor of Philipsburgh, ... 661, 662
50. Relative to holding a treaty with the Indians, ... 662
51. For the raising of a company in each of the counties of Dutchess and Albany, for the detection and suppression of conspiracies; appointing officers thereof, &c. 666
52. Requesting aid from the militia of Fairfield and Litchfield counties, in the State of Connecticut, ... 670
53. Directing members of, to provide themselves with arms and ammunition to prevent surprise, ... 672
54. For the purchase of cattle in the county of Westchester for the use of the army within that county; for the removal of the remainder of the stock of said county to the interior; directing the farmers therein to thresh out their grain; and authorizing Gen. Washington, or the county committee, to take such grain and stock, for the use of the army, at a reasonable compensation, ... 673, 674
55. Offering a bounty for the manufacture of saltpetre, ... 676
56. Relative to the appointment of a commissary at Ticonderoga and Fort George, to take charge of hides and leather, . 677
57. Relative to the importation and sale of tea, ... 682
58. Relative to the removal of prisoners of war from Westchester county, to Woodbury, in the State of Connecticut, ... 683
59. Appointing a committee to confer and co-operate with General Schuyler, for the defence of the northern frontier of this State, ... 684
60. Relative to pay, bounty and subsistence of corps of rangers, in the counties of Albany, Tryon and Charlotte, ... 685
61. For providing Continental army with flour, and authorizing the impressment of conveyances, ... 686
62. Requesting committees of Ulster, Orange and Dutchess counties, to engage and forward carpenters and masons to Fishkill, ... 687
63. For the purchase of wheat and the supply of flour for the use of the army, ... 689
64. Requesting postmaster to forward to Convention or Committee, all the public newspapers of the States of Pennsylvania, New-Jersey, Connecticut and Massachusetts, &c. 689
65. Appointing committee to devise ways and means for conveying intelligence throughout the State, ... 694
66. For the mounting of artillery on the banks of Hudson's river, ... 696
67. Offering a bounty for the manufacture of wool cards, ... 697
68. Regulating the granting of passes, and prohibiting travelling without sufficient passes from the respective county committees 706
69. Requesting General Court of New-Hampshire to advance money to Egbert Benson, an agent appointed to solicit the reception of a number of prisoners by said State, ... 708
70. For the appointment of a committee to take the superintendence of the poor, to provide for their necessities, and to remove such as belong to this State from others, with a view to their support and maintenance, ... 710
71. Relative to obstructions of the navigation of Hudson's river, 714, 715, 719, 725, 726
72. For the adjustment of accounts due from this State to inhabitants of Connecticut, in the removal of stock and indigent persons from Long island, ... 718
73. Directing Mr. Robert Livingston to repair to Peekskill and North Castle, to confer with Genls. Lee, Heath, and Clinton, on the situation of the enemy within this State, the passes necessary to be secured in the Highlands, and the obstruction of the navigation of the Hudson river, ... 719
74. Requesting Maj. Gen. Schuyler to superintend the erection of works for the security of Hudson's river, and directing a letter to be written to Continental Congress, relative thereto, ... 721

PAGE.

RESOLUTIONS OF CONVENTION—CONTINUED.

75. Directing Capts. Tudor and Lawrence to fit their respective ships, Congress and Montgomery, for removal from Poughkeepsie, and to proceed up the river to Esopus Landing or Claverack, ... 722
76. Directing the troops of the State, not confined by the terms of their enlistment to particular counties, with the exception of those in Charlotte, Tryon, Cumberland, and Gloucester, to repair to Fort Constitution, and place themselves under command of Brig. Gen. Clinton, ... 725
77. Relative to the burning of the court house and other buildings at White-Plains, by the troops of the Continental army, ... 729
78. Relative to the disposal of the stock removed from the lower part of Westchester county, ... 729
78. Providing for the punishment of persons charged with altering or counterfeiting bills of credit, ... 734
79. Requiring a majority of the votes of the several counties to constitute a Convention, ... 737
80. Directing the militia of Orange and Ulster counties to repair to Chester, in Orange county, and place themselves under the command of Gen. Geo. Clinton, for co-operation with Maj. Genls. Lee and Gates, in harassing and distressing the enemy in New-Jersey, and directions for proceedings of, &c. 746
81. Providing compensation to Samuel Loudon, for publication of acts and proceedings of Convention, ... 750
82. For compelling the disaffected portion of Col. Graham's regiment of militia, in Rhinebeck precinct, and Col. Field's and Col. William Humphries' regiments, in Pauling's precinct, in the county of Dutchess, to march in compliance with resolutions of Convention, and appointing commissioners with full powers therefor, ... 757, 766
83. Requiring an account of all fines levied by committees or field officers, &c. 761
84. For loans of money to the several counties, ... 771
85. Permitting inoculation for the smallpox, ... 773
86. Directing the building of a ship of 74 guns, ... 773
87. Appointing a committee to devise ways and means for preventing the depreciation of the Continental and paper currency; the monopolizing and engrossing commodities necessary for the Continental troops; and for the better supply of provisions for the army, ... 775, 795
88. Directing application to be made to every householder in the several counties, to furnish blankets and hose for the use of the troops, ... 780
89. For the purchase of arms and accoutrements for the use of the State, ... 785
90. Directing auditor-general to prepare and bring in accounts of Convention with Congress, and with other States; also, accounts with counties and individuals, ... 787
91. Appointing a committee to devise means for reimbursing the State for expenditures in the removal of stock and effects from Nassau island, and to obtain an account for such and stock and effects, sold in Connecticut, ... 789
92. For the appointment of a committee to devise ways and and means for obtaining cannon and other implements of war in this State, ... 796
93. Authorizing Gen. Schuyler to despatch one-fifth of the militia of Albany, Tryon, Charlotte, Gloucester and Cumberland, for reinforcement of the garrison at Ticonderoga, and for arming and officering such militia, ... 800
94. Authorizing Gen. Schuyler to procure a sufficient supply of provisions for the use of the northern army, ... 800
95. For the apprehension of Joseph Brandt and Gilbert Fice, .. 800
96. Imposing penalties upon persons harbouring or concealing deserters, and directing their immediate apprehension, .. 801
97. For the appointment of a committee on Indian affairs, ... 892
98. Relative to the attendance of members, ... 803
99. For adjournment to Kingston, in Ulster county, ... 803
100. Dissolving committee for inquiring into, detecting, and defeating conspiracies, &c. and appointing commissioners for that purpose, ... 803
101. Directing the sending of a messenger to the Ocoghquaga Indians, with assurances of amity and protection, ... 802
102. Relative to inoculation of troops for the smallpox, ... 806
103. For the appointment of commissioners to superintend the removal of grain, forage, cattle, &c. from the county of Westchester; for the protection, security and removal of the inhabitants thereof; and for the seizure and sale of the property of persons joining the enemy, ... 811
104. Directing the several towns, precincts, manors and districts, to proceed to the election of supervisors, assessors and collectors, ... 818
105. Directing all persons indebted to the loan office of this State, to pay the amount of such indebtedness into the treasury, ... 818
106. Authorizing the payment of debts due to persons out of the State, or within such parts thereof as are in possession of the enemy, to the Treasurer and Vice-Treasurer, ... 818, 819
107. Declaring the value of the dollar in sterling money, ... 819
108. Declaring bills of credit emitted by Continental Congress, Provincial Congress, or Convention, a legal tender in payment of debts, and providing for their payment, on refusal, into the treasury, ... 819
109. Authorizing the seizure of grain, purchased with the design of engrossing or enhancing the price, upon payment of specified sums, ... 819
110. For the appointment of a committee to ascertain and state the boundaries of the State of New-York, ... 819
111. For increasing the forces for the protection and defence of the county of Westchester, ... 821
112. Appointing a committee to report an act of grace for disaffected persons, sent out of this State by the committee for detecting conspiracies, or confined within it by their order, and not charged with treason, ... 823
113. Directing officers of militia to return accounts and vouchers relative to pay, bounty and subsistence of their troops, ... 824
114. Appointing commissioners in the several counties for taking into possession and exposing to sale the personal property of persons joining the enemy, ... 826, 861
115. Appointing commissioners on behalf of this State, to meet the commissioners from the middle States and Virginia, pursuant to resolution of Congress, ... 827, 830
116. Authorizing commissioners for detecting and defeating conspiracies, to send for and tender oath of allegiance and fidelity to all disaffected persons, confined by parol or otherwise, and not charged with treason; to discharge those taking such oath, and confiscating the personal property of all such as refuse, within a specified time, to take such oath, ... 827, 872
117. Directing the several towns, &c. to proceed to the election of town officers, ... 829
118. Authorizing Col. Jacobus Swartwout to call out the militia of the county of Dutchess, for the protection of the passes at the Highlands, and to oppose the incursions of the enemy, ... 847
119. Authorizing General George Clinton to call out the militia of Dutchess, Ulster, Orange and Westchester counties for the same purpose, and providing for their payment, ... 848
120. For the purchase of a quantity of hempseed, and for encouraging the raising of, ... 849, 900
121. For a present to Col. Tilghman for his services in corresponding with committee of Convention, ... 851
122. For the appointment of a committee to provide permanent means for the protection and defence of Westchester county, ... 851
123. For the trial and punishment by martial law of spies from the enemy, or for enlisting men into their service, or furnishing supplies or intelligence to them, or for treason, 856, 857, 898
124. Against the allowance of perquisites to commissaries, clerks, &c. in the clothing stores, ... 857
125. Fixing the compensation of the Delegates of this State in Congress, ... 857
126. Authorizing, regulating and providing for the employment of substitutes for the performance of military duty for three years, or during the war, ... 863, 864
127. Appointing John Wheelock, of New-Hampshire, a major in the service of the State, with the power to raise three companies to serve during the war, ... 865, 870
128. Directing auditor-general to adjust the account of the militia of this State, agreeable to the new regulations of Congress, ... 866
129. Authorizing commissioners for the detection, &c. of conspiracies, to raise, pay and officer a company for defence of the State, ... 872
130. Appointing a committee to prepare a proper device for a great seal of this State, ... 882
131. Ratifying and confirming the acts and proceedings of the several committees from time to time, appointed within the Colony and State by the several Provincial Congresses or Conventions, ... 887
132. Prohibiting the exportation from this State, of unwrought hemp or hempen yarn, ... 900, 901
133. For the appointment of a committee to inquire into the neglect of a portion of the militia of Dutchess county, to obey the orders of Gen. Clinton, ... 901
134. For the raising of a body of men to guard the Continental ships at Esopus Landing, the public records and treasury, and the different passes and roads, ... 904, 905
135. For the confinement on board vessels in the Hudson river, of disaffected persons, ... 908
136. For the raising of a company in the respective precincts of Rhinebeck, Walkill, and Cornwall, for the guarding of the powdermills therein, ... 909
137. Authorizing the committees of Albany, Tryon, Charlotte, Cumberland, Gloucester, Ulster and Orange, to take effectual measures for suppressing insurrections and disaffection, ... 912
138. Appointing commissioners to take the superintendence and care of poor inhabitants of the several counties, who have been driven from their habitations, ... 916
139. Instructing commissioners of sequestration, relative to estates claimed by persons not gone over to the enemy, and authorizing them to lease the lands and tenements of persons joining the enemy, ... 930, 931
140. Directing the sheriffs of the several counties to give notices of the election of Governor, Lieutenant-Governor, Senators and members of Assembly, ... 937
141. For the negotiation of mutual permission for the removal of personal property in possession of the enemy, ... 939

PAGE.

RESOLUTIONS OF CONVENTION—CONTINUED.

142. Presenting the thanks of the Council of Safety to Congress, for their efficient defence of the character of Gen. Schuyler, ... 952
143. Respecting the times and places of holding sessions of the supreme court, ... 957
144. Prohibiting the exportation of flour from this State by water, ... 975
145. For raising two corps of rangers, under the command of Col. John Harper, for the protection of the frontiers in Albany, Tryon and Ulster counties, ... 1001
146. Appointing committee to confer with committees from the eastern States on the subject of the paper currency, &c, .. 1009
147. Relative to the enrolment of the militia, and provision for reinforcing the army on the northern frontiers, and the garrisons of the fortresses at the Highlands, ... 1023
148. For the relief of the poor on the western frontiers, .. 1032, 1033
149. Authorizing the Commander-in-Chief of the northern department of the Continental army, to grant full pardons to such persons as sineh the evacuation of Ticonderoga, have joined Gen. Burgoyne, and who may return to their allegiance, ... 1057
150. For continuing the powers and authority of the several county and district committees, and commissioners for detecting and defeating conspiracies; and directing the several county committees to remove cattle, stock and provisions into the interior, ... 1061
151. Authorizing the impressment of wheat and flour for the immediate use of the army, ... 1065
152. For the more effectual obedience of the militia to their commanding officers, ... 1071
153. Prohibiting the exportation of flour, meal, or grain, out of this State, ... 1077, 1078
154. Authorizing the several district committees to transport the families and effects of traitors and rebels out of this State, ... 1078
155. Prescribing the terms on which flour and meal may be exported from this State to the eastern States, .. 1084, 1085, 1089
156. Appointing a committee to investigate abuses in the commissary's department, ... 1092
157. Prohibiting the exportation of shoe leather, ... 1093, 1094
158. Appointing commissioners to fix on the place for the erection of fortifications at the Highlands, ... 1113
159. Appointing commissioners to meet commissioners from the eastern and middle States, at New-Haven, to regulate and ascertain the price of labour, manufactures, internal produce, &c. and to regulate the charges of innholders, 1113, 1114, 1117, 1118

REVISION. (See Council of Revision.)

RHODE ISLAND.

1. Receipt of letter from Jonathan Otis, chairman of committee of inspection at Newport in, ... 48
2. Certificate from chairman of committee of Safety at Providence, of the receipt and purchase of a quantity of flour and bread, ... 66
3. Letter from chairman of committee of inspection at Providence from Samuel Burling, and from Committee of Safety, requesting leave for Messrs. Clarke and Nightingale, to purchase and import a quantity of flour and provisions for the use of the town of Providence and American army, .. 113
4. Leave granted to Samuel Burling alone, ... 124
5. Letter from chairman of committee of inspection for Bristol, recommending Charles De Wolf and others, charterers of sloop Hannah, bound for New-York, for the purchase of flour; permission to purchase, ... 162
6. Letter from committee of Newport, setting forth the distresses of the inhabitants of said town; and requesting permission for Captain John Andrews and Mr. Nathan Beebe, to purchase and lade flour therefor; permission granted, ... 181
7. Application from Governor of, to Provincial Congress, for additional supply of provisions, ... 212
8. Delegation to Gov. Cook of, from Provincial Congress, for the powder in his care belonging to Colony of New-York; and directions for the distribution of; letter accompanying, ... 511

RICHMOND COUNTY.

1. Names and credentials of Deputies from, to first Provincial Congress, ... 7, 8
2. Appointment of member of Committee of Safety for, ... 70
3. Reference to members from, of letter of David Burger, complaining of sundry persons in, for supplying transport with live stock, ... 132
4. Letter to Delegates from, requesting their attendance in Provincial Congress, ... 199
5. Answer of Paul Micheau, one of the Delegates, ... 199
6. Letter to committee of, urging attendance of Delegates from, in Provincial Congress, ... 203
7. Answer of committee, ... 227
8. Resolutions respecting neglect of inhabitants of, to elect Representatives in Provincial Congress; and letter to Delegates in Congress, respecting, ... 229, 230
9. Information communicated to Provincial Congress, respecting; and resolutions adopted, ... 247
10. Letter from committee of, informing of the election of Delegates to Provincial Congress, ... 263

PAGE.

RICHMOND COUNTY—CONTINUED.

11. Resolutions of Continetal Congress, respecting the admission of Deputies from, to Provincial Congress, ... 300
12. Letter from Deputies elected in, informing that they and the inhabitants of, had subscribed the general association, and requesting the proceedings of the Jersey troops under Col. Herd to be stopped; answer of Provincial Congress, . 310
13. Letter from Provincial Congress to committee of Elizabethtown, New-Jersey, requesting the delivery of sundry inhabitants of, confined at Elizabethtown, to county committee, and letter to county committee of, respecting, ... 315
14. Names and credentials of Delegates from, to second Provincial Congress, ... 324
15. Letter from committee of, informing of the arrival of inhabitants of, confined at Elizabethtown, ... 333
16. Letter from Provincial Congress to committee of, relative to the arrangement of militia of, &c. ... 350
(See Stirling, Lord, 17.)
17. Letter from Hendrick Garrison, complaining of ill treatment before committee of, &c. and requesting protection of Provincial Congress, ... 351
18. Letter from Committee of Safety to committee of, recommending removal of stock from Staten island to Jersey; and provision therefor, ... 393
19. Names and credentials of Deputies from, in third Provincial Congress, ... 449
20. List of tories and disaffected persons in, and resolutions of Provincial Congress for proceeding against, ... 476, 477
21. Appointment of Representatives in the Assembly for, ... 918

RIFLEMEN.

1. Resolution of Continental Congress, directing Capt. Nelson, to repair to city of New-York, with company of, ... 375

RIKER, CAPT. ABRAHAM.

1. Return of company of, ... 396
2. Appointment of, as captain in Col. Ritzema's regiment, ... 405

RIOTS AND MOBS.

(See Resolutions of Provincial Congress, ... 16
(See General Association, 4.)
(See Connecticut, 27, 28, 33, 34.)
(See New-York City and County, 167.)

RITCHIE, WILLIAM.

1. Appointment of, as third lieutenant in Captain Anthony Rutger's artillery company, in the city of New-York, ... 66

RITZEMA, RUDOLPHUS.

1. Appointment of, as lieutenant colonel of first regiment, ... 62
2. Embarkation of, for Albany, with four companies of Colonel McDougall's regiment, ... 103
3. Letter from, detailing the attack upon Quebec, the death of Gen. Montgomery, the surrender of Col. Arnold's detachment, and the weak and destitute condition of the troops in Canada, ... 286, 287
4. Gives information to Committee of Safety of the condition of Canada, ... 291
5. Gives information to Provincial Congress relative to the Canadian regiments, ... 326
6. Appointment of captains in regiment of, ... 405
7. Directed to procure arms taken from disaffected persons in Westchester county, ... 456

RIVINGTON, JAMES, (Printer.)

1. Letter from to Provincial Congress, copy of address of, to Continental Congress, and of letter of, to general committee of city of New-York; read and considered, ... 28
2. Permitted to return to his family unmolested in person and property, on signing general association, and asking pardon for his publications, ... 34
3. Letter from Provincial Congress to Delegation in Continental Congress, informing them that no restitution has been made by Connecticut for types and property taken from, . 346
4. Letter from Gov. Trumbull, respecting, ... 491, 492

ROADS.

1. Resolution of Convention for the appointment of a committee to devise ways and means for facilitating the communication by land between the northern and southern parts of the State, and between this and the southern States, ... 657
2. Resolution of Convention for the appointment of a committee to devise ways and means for the repair of the post road from the north side of the Highlands to King's Bridge, and the manor of Phillipsburgh, ... 661, 662
3. Resolutions of Convention for the appointment of a committee to devise ways and means for the repair of, in order to facilitate the transportation of forage for the troops, ... 714

ROBERTSON, COL. JAMES.

(See Intercepted Letters.)

ROBINSON, BEVERLY. (See Highlands, 12.)

1. Letter to, requesting to put a price upon lands of, taken for the erection of a fortification at the Highlands, opposite West-Point, ... 152
2. Answer of, ... 169
3. Commissioners of sequestration, in the county of Dutchess, directed to lease the farm of, to deputy quarter-master general, for the lodgment of military stores, ... 899

PAGE

ROBINSON, JOSEPH.
1. Permitted to receive a quantity of gunpowder of Gabriel W. Ludlow, ... 133

ROBINSON, LIEUT. COL.
1. Resignation of, as lieutenant-colonel of a regiment of militia in Queens county, on account of a proclamation of the King of Denmark, directing the forfeiture of estates of all persons bearing arms against the King of Great Britain in the present war with America; acceptance of resignation, ... 792

RODGERS, CAPT. WILLIAM.
(See Privateers, 4, 13.)

RODGERS, REV. JOHN.
1. Appointment of as chaplain to the Convention and Committee of Safety; and requested to open their daily sessions with prayers, and to perform divine service every Sabbath, ... 818
2. Requisition on Treasurer in favour of, ... 1058

ROGERS, JAMES. (See Cumberland County, 1.)

ROGERS, ROBERT. (See Prisoners, 16.)

ROGGIN, PETRUS.
1. Appointment of, as second lieutenant, in Captain Elias Hasbrouck's company, ... 90

ROMANS, BERNARD.
1. Proposals of, for erecting fortifications at the Highlands, ... 159
2. Answer of Committee of Safety, ... 160, 161
3. Letter from, to Provincial Congress respecting appointment of, as engineer at the Highlands, ... 174
4. Remarks of, relative to plans for obstruction of the navigation of the Hudson, ... 179, 189
5. Letter from Provincial to Continental Congress, relative to appointment of, as engineer at the Highlands, ... 186
6. Appointment of committee for accommodation of differences with, and commissioners for erecting fortifications at the Highlands; and report of, ... 207, 210, 223, 224
7. Requisition on Treasurer in favour of, ... 161, 210, 236
8. Plan of fortifications at the Highlands, communicated by, to Committee of Safety, ... 236
9. Resolution of Continental Congress for payment of, ... 322
10. Letter from John Berrien, one of commissioners for erection of fortifications at the Highlands to Provincial Congress, containing an account of moneys advanced by him to, ... 364
11. Order of Provincial Congress thereon, ... 364

ROORBACK, GARRET.
1. Appointment of, as barrack-master for the city and county of New-York, ... 255

ROOS, JACOBUS, CAPT.
1. Requisition on Treasurer for pay roll rations and mileage for company of, in Col. Hasbrouck's regiment of militia, ... 943

ROSEBOOM, GERRIT. (See Albany City, 25.)
(See Indian Affairs, 6.)

ROSEBOOM, MYNDERTH.
1. Appointment of, as colonel of second regiment, ... 62

ROSEKRANS, JACOBUS.
1. Appointment of, as captain, ... 100
2. Jacobus Swartwout appointed muster-master of company of, 112

RULES OF PROVINCIAL CONGRESS, 8, 206, 450.

RUTGERS, ANTHONY.
1. Appointed captain of artillery company formed from marine society in city of New-York, ... 41
2. Officers of company of, ... 66
3. Commissions to, refused, ... 148
4. Order for delivery to, of brass field pieces, ... 170
5. Appointment of committee to inquire, respecting rank of, &c. 180
6. Requisition on Treasurer in favour of, for purchase of sloop for defence of trade of the Colonies, ... 372

S.

SACKET, NATHANIEL.
1. Requisition on Treasurer in favour of, on order of Gen. Washington, for payment of five hundred dollars, for services rendered by, ... 804
2. Directed to deliver the military stores in his custody, as commissary, &c. to Col. Lasher, and his accounts and vouchers to auditor-general, for settlement, ... 963

SACKET, CAPT. SAMUEL.
1. Petition of, for relief, ... 982

SAFETY, COMMITTEE OF.
(See Committee of Safety.)

SAFFORD, SAMUEL.
1. Chosen major, by Green Mountain Boys, ... 107
2. Appointed by Provincial Congress, ... 130

SALISBURY, CAPT. SYLVESTER.
1. Requisition on Treasurer in favour of, for pay and subsistence of his troop of horse, ... 768
2. Authorized to enlist volunteers from the militia of Ulster county, ... 913

PAGE.

SALT.
1. Resolution of Continental Congress recommending the manufacture of, ... 252, 366
(See City and County of New-York, 131.)
(See Murray, Lindley and Robert.)
2. Petition of Alexander Robinson, Geo. Lindsay, Peter Sim, and Marinus Willett, for encouragement in the manufacture of, ... 499
3. Resolutions of Convention for the encouragement of the manufacture of, ... 549
4. Appointment of committee to treat with Dr. Joseph Gerreau, relative to the manufacture of, &c. 549
5. Resolution of Convention authorizing a loan of £500 to Alexander Robertson, Marinus Willett and Peter Sim, and their co-partners, in the manufacture of, ... 553
6. Resolution of Convention authorizing a loan of £500 to Doct. Samuel Bard, and Captain William Goforth and his co-partners, ... 557
7. Letter from chairman of committee of Rochester, in Ulster county, complaining of the scarcity of; answer of Committee of Safety, containing a recipe for the preservation of beef with a small quantity of, ... 709
8. Petition of Peter Sim, one of the contractors for setting up up works for the manufacture of, in this State, for relief, 796
9. Appointment of committee to devise ways and means for the establishment of manufactories of, ... 796
10. Production of sample of, made of the water of certain springs at Oriske, and directions for further experiments to ascertain the qualities of said water, with a view to the establishment, there or elsewhere, of works for the manufacture of, ... 798
11. Letter from Convention to Continental Congress, requesting a supply of, from the Continental stores, ... 861
(See Tryon County, 28.)
12. Letter from Zephaniah Platt, Jr. Matthew Cantine, and Egbert Benson, recommending the employment of Henry and John Livingston, in the purchase of, in the eastern States, ... 933
13. Resolution of Convention for the purchase of 6,000 bushels of, in Massachusetts Bay, ... 934
14. Requisition on Treasurer in favour of Col. Abraham P. Lott, for purchase of, ... 934
15. Proposals of Peter R. Livingston for procuring a quantity of, and provision for, ... 960
16. Petition of Dr. Platt Townsend, a resident of Connecticut, for the interposition of Council with the government of Connecticut, for permission to manufacture for exportation to this State, ... 961
17. Letter from Council of Safety to Governor Trumbull, thereon, ... 962
18. Resolutions of Congress for the supply of, ... 981
19. Agreement of commissioners for the erection of salt works, with the Oneida Indians, for the manufacture of, &c... 982, 983
20. Resolutions of the Council of Connecticut, authorizing Doct. Platt Townsend, and all other inhabitants of this State, to manufacture salt therein, for the use of this State, ... 984
21. Letters from delegation in Congress, respecting the manufacture of, ... 998, 999, 1000, 1001
22. Captain Elias Hasbrouck directed to transport from Canaan, in Connecticut, a quantity purchased for the use of this State, ... 1036
23. Letter from Abraham P. Lott, respecting his proceedings in the purchase of, ... 1052
24. Answer of Council of Safety, ... 1053
25. Resolutions of Council of Safety, relative to the distribution of, to the several county committees, ... 1058, 1059
26. Letters from Peter R. Livingston, respecting the distribution of; and resolutions of Council of Safety thereon, ... 1079, 1103
(See Westchester County, 100.)

SALTPETRE.
1. Appointment of committee to ascertain the quantity of, in the hands of apothecaries in the city of New-York, and report of, ... 36, 49
2. Appointment of committee to confer with Messrs. Van Vleck and Kip, on the subject of making, ... 41
3. Proposals of Messrs. Van Vleck and Kip, ... 45
4. Resolution of Continental Congress, recommending collection and transmission of, by several Colonies, to Provincial Congress of New-York, to be manufactured into powder, .. 48
5. Motion for loan to Messrs. Van Vleck and Kip, for manufacture of, and vote on, ... 48
6. Letter to committee of New-York from Provincial Congress, respecting, ... 49, 50
7. Letter from Provincial Congress to Continental Congress, respecting manufacture of, &c. 253
8. Appointment of committee to report resolution for bounty for making of; report of, ... 105, 106
9. Letter from Benjamin Bates, respecting the making of; appointment of committee to confer with, ... 167
10. Resolutions of Provincial Congress, relative to purchase of brimstone and sulphur, &c. 176
(See Continental Congress, 77, 93.)
11. Letter from Henry Remsen to committee of the city of New-York, respecting the purchase of, ... 203
12. Introduction to publication of an essay on the manufacture of, ... 253

PAGE.

SALTPETRE—Continued.

13. Resolutions of Provincial Congress, encouraging the manufacture of, 366, 409, 410
14. Requisition on Treasurer for purchase of, 470
15. Appointment of committee to take into consideration the propriety of appointing inspectors of, 475
16. Resolutions of Convention for the encouragement of the manufacture of, 572, 573, 676

(See Wempel, Abraham, 1.)

SANDS, COMFORT.

1. Appointment of, as auditor-general of public accounts, and salary of, 540
2. Letter from, respecting payment, subsistence and bounty of Captain Belknap's company of rangers; proceedings thereon, 697, 698
3. Directed to prepare and state accounts of this State with Congress, other States, counties and individuals, 787
4. Appointed paymaster of the militia of the counties of Dutchess, Ulster, Westchester and Orange, employed in actual service, and requisition on Treasurer in favour of, therefor, 864
5. Directed to adjust the accounts of the militia of this State, for pay and rations, according to the new regulations of Congress, 866
6. Directions to relative to payment to officers of the militia, 870

(See Bancker, Gerard, 5.)

7. Advance to, for payment of militia in Orange county, 902

SANDS, EDWARD.

1. Appointment of, as surgeon's mate for fourth regiment, 109

SANDS, JOHN.

1. Choice of, as captain of militia in Queens county, 173

SANDS, JOHN.

1. Appointment of, as 2d colonel of the troops to be raised by draft from the militia on Nassau island, 534

SANDY HOOK.

1. Resolution of Provincial Congress for dismantling light house at, 336
2. Instructions to Major William Malcom, therefor, and letter from Provincial Congress to committee of inspection and observation, in New-Jersey, 342
3. Execution of such instructions, 355

SARATOGA.

1. Letter from Gen. Schuyler, informing of the retreat of the army to, 1025, 1026

SCHENCK, HENRY.

1. Appointment of, as major of regiment of minute men, in Dutchess county, 135

SCHENCK, JOHN.

1. Appointment of, as major in regiment of minute men, in Dutchess county, 415

SCHENCK, PAUL.

1. Appointment of, as commissary of the troops at Fishkill, 668

SCHOHARIE.

(See Tryon County, 32.)
(See Albany City and County, 85.)

1. Letter from Council of Safety to Gov. Clinton, requesting the despatch of a party against Capt. Man and his forces, engaged in co-operating with the enemy, 1036
2. Answer of Gov. Clinton, and directions to Col. Levi Pawling to repair to the relief of, 1040

SCHOONMAKER, ABRAHAM.

1. Appointment of, as adjutant of Ulster county militia, 135

SCHOONMAKER, CAPT. HENDRICK.

1. Requisition on Treasurer for pay and subsistence of company of, in Major Adrian Wynkoop's detachment of militia, to guard the passes in the Highlands, 775

SCHOONMAKER, FREDERICK.

1. Appointment of, as captain, 995
2. Directed to enlist a company, &c. 1005

SCHOONMAKER, PETRUS.

1. Letter from, to Provincial Congress, resigning his commission as captain of a company of militia in Col. Pawling's regiment, Ulster county, 463
2. Report of committee respecting rank of, as captain in Colonel Pawling's regiment in Ulster county, 466, 467
3. Letter from Convention to committee of Rochester, relative to the difficulties in the company of, 529

SCHUYLER, PHILIP.

1. Resolution of Provincial Congress, recommending appointment of, as major-general, 31
2. Letter from Provincial Congress to Delegates in Continental Congress, defining the qualifications requisite for general officers, and recommending as above, 32, 33
3. Commissary directed by Provincial Congress to deliver articles to, 59
4. Letter from, to Provincial Congress, respecting supply of tents and fuel for encampment of Connecticut troops, 60
5. Directed by Continental Congress to repair to Ticonderoga and Crown-Point, to examine into the state thereof, &c. to obtain intelligence of Canadians and Indians, and secure command of waters, 62

SCHUYLER, PHILIP—Continued.

PAGE.

6. Appointment of, by Continental Congress, as major-general, 63
7. Letter from, to Provincial Congress, enclosing estimate of stores, &c. wanted for the troops, and requesting the forwarding of levies to Albany, 64, 65
8. Appointment of committee to confer with, 65
9. Report of committee, 65
10. Letter from, requesting advance to Ethan Allen and Seth Warner, for services rendered at Ticonderoga and Crown-Point, 65, 66
11. Rev. John Peter Testard employed as French interpreter for, &c. 67
12. Letter to, from Committee of Safety, covering copy of Col. Hinman's letter, respecting defences on Lake Champlain, &c. 77
13. Letter from, requesting the appointment of a fit person to take command of the sloop on Lake Champlain, and for a reinforcement of troops, 79
14. Answer of Committee of Safety, 79, 80
15. Appointment of, and warrant to Capt. James Smith, for such command, 80
16. Letter from, on the necessity of strengthening the garrisons at Ticonderoga and Crown-Point, 94
17. Letters from, enclosing extracts of letters from Gov. Trumbull, requesting supplies, reinforcements, &c. for the troops at Ticonderoga, and communicating information of the dispositions of the Indians at Canada, and of attempts to engage them for the British, 95, 96, 97
18. Answer of Provincial Congress, communicating information of the embarkation for Albany of four companies of Col. McDougall's regiment under command of Lieut. Colonel Ritzema, &c. &c. 103, 194
19. Letter from, enclosing communication from Green Mountain Boys, respecting the appointment of field and other officers; and his answer thereto, and concerning other matters, 106, 107
20. Suffolk county troops directed to proceed to Ticonderoga, under command of, 108
21. Answer of Provincial Congress to letter of, respecting appointment of officers for Green Mountain Boys, 109
22. Letter from, communicating information relative to movements of Indians in Canada, 111, 112
23. Answer of Provincial Congress, 112, 113
24. Letters from, relative to movements of troops and supply of artillery, &c. the Green Mountain Boys, the sentiments of the Canadians, and the arrival of Indians, &c. &c. and answer of Provincial Congress, 125, 131
25. New-York troops ordered to support of, 154
26. Letter from, respecting military operations against Canada; and requesting supply of powder; and answer of Provincial Congress, 167, 168, 185
27. Order of Continental and Provincial Congress for supply of, 178
28. Letter from, informing of the surrender of the fort and garrison at Chamblee, and of the probable reduction of St. Johns; and answer of Provincial Congress, 192
29. Letter from, informing of the surrender of St. Johns, 200
30. Letter from, informing of the surrender of Montreal, 201
31. Letter from, requesting information of payments made to troops of, by Provincial Congress, 201
32. Letter from Provincial Congress to, enclosing account of moneys paid to Continental troops, 211
33. Letter from Provincial Congress, relative to duty of paymaster of, in auditing and allowing accounts, 245
34. Letter from Committee of Safety, relative to shipwrights, carpenters, scows, batteaux, salt provisions, reduction of old troops, and raising of new levies, 254
35. Order for transmission of powder to, at Albany, on intelligence of repulse of Continental troops at Quebec, and disorders in Tryon county, 256
36. Directed to explore the river St. Lawrence above and below Quebec; and prepare boats for its defence, 265
37. Letter from Committee of Safety to relative to the raising of troops for defence of Canada; and the appointment of a paymaster, 276
38. Answer of, 286
39. Letter from, to Provincial Congress transmitting a return of the names of persons to whom recruiting orders for garrisoning Crown-Point, Ticonderoga, Fort George, &c. were given by, &c. 293, 294
40. Resolutions of Continental Congress, relative to, issuing of warrants by, to complete regiment directed to be raised in New-York, for the service of Canada; and appointment of officers of, 300
41. Letter from, to Provincial Congress, on the subject of the Canada regiment; and requesting the employment of his son Peter Schuyler, as a field officers, 315
42. Letter from, to committee of Albany on the same subject, 316
43. Letter from Provincial Congress to, requesting information of promotions by Continental Congress, in the Canadian regiments; answer of, 319, 334
44. Letter from, requesting arms, clothing, &c. and order for purchase of, 323
45. Letters from, recommending Mr. Paine and Captain Willett, and transmitting list of officers of the four regiments raised in New-York, in 1774, now in Canada; and also of those who have accepted commissions in Col. Van Schaick's regiment; answer of Provincial Congress, 334

PAGE.

SCHUYLER, PHILIP—CONTINUED.

46. Letter from, to Gen. Lee, relative to condition of the troops in Canada, ... 347, 348
47. Letter from, to chairman of committee in Kingston, relative to appointment of captain of company of militia, ... 351
48. Letter from, to Provincial Congress, requesting the forwarding of sundry naval stores, ... 357
49. Letter from, to Provincial Congress, respecting the employment of Captain Wynkoop, upon the lakes under Commodore Douglass; proceedings of Provincial Congress thereon, ... 364
50. Answer of Committee of Safety, ... 418
51. Letter from, to Provincial Congress, respecting petition of Mr. Duer relative to the election of Deputies from Charlotte county, ... 453
52. Letter from, to Committee of Safety, respecting proceedings of, and contemplated resignation, ... 621, 634
53. Report of committee thereon, ... 623, 635
54. Letter from chairman of committee of Albany, respecting the contemplated resignation of, ... 635
55. Resolutions of Convention approving conduct of, in the discharge of his duties, deprecating resignation of, and requesting Congress to withhold their assent to the same; and appointment of committee to wait upon, &c. report of committee, ... 635, 656, 657
56. Letter from, to Committee of Safety, ... 667, 668
57. Letter from John Hancock, President of Congress, to, transmitting resolutions of Congress respecting the raising of additional battalions, ... 668
58. Letter from Committee of Safety to, transmitting information of the movements of the British fleet, ... 669
59. Letter from, transmitting intelligence of the destruction of American fleet on Lake Champlain, &c. 684
60. Appointment of committee to confer and co-operate with, for the defence of the northern frontiers, ... 684
61. Letter from Committee of Safety to the committee of conference, ... 692, 693
62. Letter from chairman of committee of conference, to Committee of Safety, relative to arrangement of army under command of, ... 694, 695
63. Letter from, relative to movements of the army under his command, &c. 698, 699
64. Report of committee for co-operating with, in the defence of the frontiers, &c. ..... 699 to 705
65. Letter from Committee of Safety to, relative to the means of transporting troops across the Hudson river, ... 708
66. Letter from, informing of the retreat of Gen. Carlton to Canada, together with Sir John Johnson, ... 708
67. Letter from, respecting proceedings of, &c. 711
68. Resolutions of Committee of Safety requesting advice of, relative to the obstructions of the navigation of Hudson's river, ... 714, 715
69. Resolutions of Committee of Safety, requesting the superintendence of, in the erection of works for the defence of the Hudson river, ... 721
70. Letter from Committee of Safety to, transmitting, ... 722, 726
71. Letter from Committee of Safety to, informing of the situation and movements of the British and American forces, and requesting the marching of recruits of, to Fishkill, ... 745
72. Letter from Committee of Safety to, transmitting intelligence of movements of the Continental army, ... 747
73. Resolution for the advancement of twenty thousand pounds to, for the public service, ... 775
74. Letter from, relative to the monopolies and engrossment in the purchase of provisions, and suggesting a remedy therefor; and requesting a reinforcement at the fortress at Ticonderoga; answer of Committee of Safety, ... 792, 793
75. Resolutions of Committee of Safety, authorizing to despatch one-fifth of the militia of Albany, Tryon, Charlotte, Gloucester and Cumberland, for the reinforcement of the garrison at Ticonderoga, and to arm and supply the same with necessary provisions, ... 800
76. Letter to, transmitting such resolutions, ... 800
(See Ticonderoga, &c. 47, 48, 49.)
77. Authorized to cause the army under his command to be inoculated with the smallpox, ... 819
78. Election of, as Delegate in Congress, ... 931
79. Letter from Philip Livingston and James Duane, Delegates in Congress, respecting investigation of charges preferred against, their satisfactory refutation, and his reinstatement in command, ... 941
80. Report of Committee of the Treasury, relative to accounts of, ... 951, 952
81. Directed to take the command of the northern department, . 952
82. Resolutions of Council of Safety, presenting their thanks to Congress for their efficient defence of the character of, &c. 952
83. Capts. John Strong and Simon Stevens' company of rangers, placed under command of; letter from Council of Safety to, ... 979, 980
84. Letter from, detailing proceedings of, at Ticonderoga, and the condition of the northern army, ... 982
85. Answer of Council of Safety, ... 988
86 Appointment of committee to confer with, ... 989
87. Letter from, expressing his astonishment at the evacuation of Ticonderoga by the general officers, ... 992
88. Answer of Council of Safety; and letter to Gen. Putnam, ... 992

PAGE.

SCHUYLER, PHILIP—CONTINUED.

89. Letter from Council of Safety to, transmitting resolutions for raising two companies of rangers, in Albany, Ulster and Tryon counties, for the protection of frontiers, ... 1002
90. Letter from, to Gen. Washington, enclosing copies of proclamation by, and Gen. Burgoyne, ... 1005, 1006
91. Letter from, Council of Safety to, relative to the movement of Gen. Glover's brigade to the northward, and the complaints of the ship carpenters, &c. 1015
92. Letter from committee appointed to confer with; resolution of Council thereon, ... 1016, 1017
93. Letter from, respecting the condition and prospects of the army under his command, and the proceedings of General Burgoyne, ... 1017
94. Letter from, at Saratoga, transmitting copy of a letter from Thomas Spencer, at Oneida, relative to proceedings and intentions of the Indians, ... 1015, 1026
95. Letter from, at Saratoga, enclosing a copy of a letter from, to Congress, respecting proceedings of, and condition of the army under his command, ... 1028, 1029
96. Letter from delegation in Congress to Council of Safety, respecting the application for the recal of, from the command of the northern army, and the reinstatement of General Gates, ... 1033
97. Transfer of, to the army under Gen. Washington, and reinstatement of General Gates to the command of the northern army, ... 1035
98. Letter from, to Gov. Clinton, ... 1035
99. Letter from, to Council of Safety, relative to the condition of the northern army, ... 1042

SCOTCH HIGHLANDERS.
(See Stewart, James.)

SCOTT, JOHN MORIN.

1. Appointment of, as brigadier-general for the four battalions of militia to reinforce the army at New-York, and commission of, ... 488
2. Proceedings of Provincial Congress relative to handbill published by, reflecting on the honour and impartiality of the House, ... 496
3. Resolutions of Committee of Safety, for continuance in service of brigade of, &c. 717
4. Letter from, respecting proceedings and intentions of, ... 719
5. Resolutions of Committee of Safety, tendering the thanks of Convention to, for his patriotic offer to continue in the service, and to his officers and men for their conduct; and directing a gratuity of £1,500 to be distributed among the non-commissioned officers and privates belonging to brigade of, ... 720
6. Letter from Committee of Safety to, transmitting, ... 721
7. Letter from Committee of Safety to, respecting the co-operation of, in the obstruction of the navigation of Hudson's river, ... 727
8. Letter from, informing that the number of men belonging to his brigade, willing to continue in service, is too inconsiderable to warrant their retention, ... 729
9. Resolution of Committee of Safety, directing the payment of the gratuity for non-commissioned officers and privates of brigade of, to Col. Malcom, ... 734
10. Letter from, relative to proceedings of, ... 764
11. Letter from, suggesting the propriety of ordering down a body of militia, to take possession of the city of New-York, on its evacuation by the enemy, and offering his services to take the command of such body; answer of Convention, 827, 829
12. Election of, as a judge of the Supreme Court; declension of, ... 910

SCRIBNER, NATHANIEL.

1. Appointment of, as captain of a company in Dutchess county, for the detection and suppression of conspiracies, ... 666
2. Directed to form a part of Captain Melancton Smith's company, ... 666
3. Requisition on Treasurer for pay and billeting expenses of company of, ... 740, 775

SCULDER, LIEUT. WILLIAM.

1. Memorial from, requesting payment to men enlisted by, in Capt. Henry O'Hara's company, ... 409
2. Appointment of, as 2d lieutenant in Capt. John Wyley's company, ... 409

SEAL. (See Great Seal.)

SEAMEN.
(See Philadelphia, 4.)
(See Mariners.)

SECOND REGIMENT.

1. Field officers of, ... 62
2. Provision for military stores and provisions for, ... 94
3. Report of condition of, ... 96
(See Roseboom, Col. Myndert.)
(See Van Schaack, Lieut. Col. Goose.)
4. Appointment of Bedford Williams as surgeon's mate of, ... 108

SECRECY. (See Committee of Secrecy.)

1. Form of oath of, to be administered to members and officers of Provincial Congress, and to all persons in the employ of, ... 116, 117, 453

PAGE.

SECRECY, COMMITTEE OF.
1. Appointment of, by Provincial Congress, to confer and advise with the Commander-in-Chief, on all such matters relative to the execution of his office as he shall choose to communicate to them, ... 450
2. Letter from, relative to the adoption of measures for the defence of the Hudson river, &c..... 575, 576

SECRETARIES OF PROVINCIAL CONGRESS.
(See McKesson, John.)
(See Benson, Robert.)
1. Account of, audited and allowed, ... 188

SENATORS.
1. Proceedings of Convention in forming Constitution, relative to the election of,..... 843, 868
2. Election of, for the southern district,.. 918
3. Election of, for the eastern, middle and western district, ... 990

SENECA INDIANS.
1. Visit of warriors of, to councils on their return from General Washington's head-quarters,..... 975

SEQUESTRATION.
(See Commissioners of Sequestration.)

SEQUESTRATION OF ESTATES.
(See Escheated Estates.)
1. Authorized in certain cases, ... 131, 132
(See Resolutions of Provincial Congress, 54.)
(See Lloyd, Henry.)

SERGEANT-AT-ARMS. (See Weeks, James.)

SERGEANTS. (See McDonald, Rannold.)

SERVANTS. (See Apprentices and Servants.)

SHAFER, JACOB.
1. Disbursements and account of, as messenger to Philadelphia; allowed, ... 26

SHARPLESS, RICHARD.
1. Provision for, as one of the prisoners taken at Ticonderoga,. 48

SHAW, JOHN. (See Intercepted Letters, &c.)

SHEAF, HENRY.
1. Ordered to build barge for ship Asia, ... 108

SHELTER ISLAND. (See Suffolk County, 18, 21.)

SHERIFFS.
1. Election of, for the several counties,..... 912, 913

SHIP ASIA:
1. Provisions and supplies granted for use of, ... 15
(See Asia, (Ship.)

SHIP SALLY. (See Philadelphia, 1.)

SHIPS AND VESSELS.
(See Asia, Ship.)
(See Ship Sally.)
1. Application of Murray, Sansom, Murray & Co. and of Frederick Rhynlander, for permission for ship Peggy, and cargo of wheat to sail for Falmouth, in England; granted conditionally, ... 123
2. Application of Charles McEvers & Co. to permit ship Albany and cargo of wheat to sail for Lisbon, ... 133
3. Application of Walter Buchannon & Co. to permit vessel and cargo for Madeira, and another for Barcelonia, to sail,..... 123
4. Application of Thomas Arden, Jr. and David Bemus, owner and master of sloop Liberty to sail; granted,..... 123, 127
5. Letter from William McAdam, for leave for sloop Jean, Capt. Bascombe master, to sail with cargo for Kingston, in Jamaica; referred to New-York committee, ... 123, 138
6. Committee appointed to report regulation respecting sailing of with provisions, ... 123
7. Letter from James and Alexander Stewart, for permission to ship a quantity of rye, and purchase necessary articles with proceeds, ... 124
8. Letter from Henry Bewson and John Read, for permission for sloop Charlotte, Captain Nathaniel Harriot to sail for Kingston, with flour and lamp oil, and to purchase ship bread and lumber; leave granted,..... 124, 127
9. Letter from V. Pearse Ashfield, for permission for brig Patty, Bedford Ashfield, master, to sail for Madeira with Indian corn, ... 124
10. Permission to G. W. Beekman, D. Beekman and C. P. Low, to ship on board sloop Pennsylvania Farmer, William Newton, master, for island of St. Croix, cargo of provisions and lumber, ... 124
11. Report of committee respecting regulations for sailing of provisions, &c. and form of oaths to be taken by owners and masters of such vessels,..... 124
12. Permission to William Malcom, for sailing of sloop Thistle, Roger Haddock, master, to St. Eustatia, with cargo of provision, ... 126, 127
13. Permission to Abraham De Peyster to load sloop Charity with provisions for West Indies, ... 127
14. Appointment of committee on future applications of owners of, for permission to sail,..... 127
15. Examination of Jacobus Stoutenburgh and others, relative to Peter Dop, and his sloop, charged with having supplied necessaries for British troops; and directions given for

PAGE.

SHIPS AND VESSELS—CONTINUED.
seizing said sloop and people on board, and for the disposition thereof,..... 129, 135, 138, 139, 141, 142, 175
16. Permission to brig Polly, with cargo for West Indies, to sail, Bernard McDavit, master,..... 129
17. Permission to sloop Greyhound, Wm. Montanye, master, for Curacoa,..... 129
18. Permission to sloop Joseph, Benj. Lindsay, master, for Providence with flour, ... 129
19. Permission to ship Peggy, John Murray, owner, for Falmouth, with cargo of wheat, ... 129
20. Report exculpating Capt Isaac L. Winn, from suspicion of a design to furnish the British troops with necessaries in a sloop bound to the eastward; certificate to that effect given to him; letters of examined, and proceedings thereon,..... 141, 142
(See Intercepted Letters, 7.)
(See Bache, Theophalact.)
21. Accounts of expenses in taking sloop from Dutchess county, near Speytden Duyvel, ordered to be ascertained, ... 142
22. Passports granted to David Hawley and Aaron Jennings, masters of sloop Sally and Lady, bound for West Indies, to return to Connecticut,..... 143
23. Appointment of committee to employ and despatch for the purchase of powder and arms; and appropriation for, 145, 148
24. Permission to William Ritchie, to convey articles to camp at Cambridge, ... 146
25. Resolutions and proceedings of committee of Kingston, relative to taking of Christian Bergen, Jr. sloop Sarah, ... 150
26. Permission to sloop Francis, Wm. Ritchie, master, belonging to Wm. Lowther, to sail for Edenton, in North Carolina,. 158
27. Permission to brigantine Elliot, William Hallock master, to proceed on a whaling voyage,..... 154
28. Letters and papers on board Rhode Island packet; examined and returned,..... 157
29. Permission to snow Georgia, Thomas Bolton, master, to refit in the East river, at New-York, ... 160
30. Examinations relative to suspicious communications of, with ship Asia,..... 161, 162
31. Permission to Charles De Wolf and others, charterers of sloop Hannah, from Bristol, to purchase flour in New-York,..... 162
32. Permission to snow Georgia, to break bulk, withdrawn, and vessel ordered to depart the port,..... 165
33. Permission to Robert Wallace, master of brig Mary, from Baltimore, bound to Great Britain, to refit said brig in the East river; and letter to Continental Congress, respecting, ... 168, 173
34. Permission to Benjamin Lindsay, to lade provisions in sloop of, bound for Providence, ... 170
35. Directions to wardens of port of New-York to value pilot boat Bishop of Landaff, owned by Francis James, and employed in the public service,..... 176
36. Letter from Walter Franklin & Co. requesting permission to load sloop with provisions for Georgia,..... 176
37. Estimate by wardens of port of New-York, of the value of pilot boat Bishop of Landaff, ... 177
38. Purchase of such boat and, draft on Treasurer for payment, 179
39. Permission to Captain John Andrews and Mr. Nathan Beebe of Newport to purchase and lade a cargo of flour for the use of the inhabitants of said town,..... 181
40. Appointment of committee to report a proper plan for the employment of the pilot boat Bishop of Landaff, ... 184
41. Permission to Captain Benjamin Lindsay, on behalf of Messrs. Clark and Nightingale, merchants at Providence, to lade provisions for the Continental army, on board the sloop Fly, ... 184
42. Permission to William Ritchie to ship flour to Dartmouth, 185, 186
43. Permission to William McHard, of Newburyport to purchase and transport flour to Connecticut,..... 186
44. Appointment of committee to purchase flour and load pilot boat Bishop of Landaff, for procuring arms and ammunition, ... 192
45. Protest of Francis James, one of the owners of pilot boat Hampden, relative to the taking of said boat,..... 192
46. Order for payment to Francis James, for one-half the pilot boat the Hampden, and one-half the wages or hire of said boat and mariners, ... 195
47. Direction to pilots not to board vessels with troops, but to give information of their approach, ... 193
48. Bill of sale of pilot boat Hampden, made by Francis James and William Massel to Jacobus Van Zandt,..... 203
49. Appointment of committee to plan a voyage or voyages for two or more additional vessels, for the procuring of arms, ammunition and provisions for the use of the Colony, and to procure proper vessels for that purpose; report of, and proceedings thereon,..... 212, 225, 232, 248
50. Certificate of Gov. Cooke, of Rhode Island, of the importation of flour by Capt. Benjamin Lindsay, and requesting a further supply of provisions,..... 213
51. Resolution for indemnification against custom house bonds, for ships and vessel sent to Europe to procure military stores and provisions, &c. 226
52. Resolution for advance by Treasurer for,..... 226
53. Resolution of Provincial Congress for the purchase and fitting out of a proper armed vessel to cruise in East river,

PAGE.

SHIPS AND VESSELS—CONTINUED.

and Long island Sound, to prevent supply of provisions to Ministerial army and navy, ... 228
54. Information communicated to Committee of Safety relative to the arrival of vessel from Hispaniola with gunpowder, ... 235
55. Letter from Committee of Safety to Lord Stirling, discountenancing the use of vessel belonging to Isaac Gouverneur, for seizures of despatches on board British vessel, 242
56. Proceedings and resolutions of Committee of Safety relative to case of Captain Barnabas Swain, of ship Bellona, for Nantucket, ... 248
57. Directions for observation of reported approach of British fleet from Boston, ... 249
58. Resolutions of Continental Congress, relative to the capture and forfeiture of British ships and vessels, ... 250, 251
59. Letter from Committee of Safety to James Livingston, requesting permission for shipwrights to occupy a portion of his land, for the construction of their work, ... 255
60. Directions for employment and loading of vessel for Curacoa, with flour to be exchanged for gunpowder and ravens duck, 256
61. Purchase of sloop Sally, by Col. McDougall; and requisition on Treasurer for purchase money, ... 261, 262
62. Permission to schooner Success, Jonathan Bowers, master, to sail, ... 267
63. Directions to Samuel Isleton and others, to proceed in pilot boat to Sandy Hook, for the purpose of observing the enemy's fleet, &c. 268
64. Permission to Comfort Sands to load sloop Sally, Wilkie Dodge, master, for the West Indies, with provisions, ... 270
65. Permission to brigantine New-York, Captain John Walker, master, to lade with provisions, ... 374
66. Report of committee appointed by Provincial Congress to freight a vessel to the West Indies, with provisions, &c. to purchase arms and ammunition; and resolutions of Committee of Safety agreeing thereto, and to indemnify against bonds and damages entered into, or accrued at the custom house, &c, ... 278, 279
67. Requisition on Treasurer for advance on account of, to Comfort Sands, ... 279
68. Report of Samuel Isleton, one of the pilots employed for observation of the enemy's fleet at Sandy Hook, ... 281
69. Examinations of pilots, and proceedings of Committee of Safety, on receipt of information of the arrival of transports in the harbour of New-York; conferences with the Hon. Hugh Wallace, and the mayor of New-York; and arrangements with committee of Continental Congress, and General Lee, for the defence and protection of the city, ... 282, 283
70. Examination of Benjamin Walker and John Carleton, relative to piloting the transport ship Caty; and certificate of Committee of Safety exonerating said Carlton from all censure, ... 288, 289
71. Information of the anchoring of the Mercury sloop of war, and two transports near Staten island; and proceedings of Committee of Safety thereon, ... 291
72. Permission to Nicholas Low, to lade schooner Polly, Wm. Montanye, master, with flaxseed and lumber on account of Isaac Governeur, ... 292
73. Permission to Jacobus Van Zandt, to lade ship Rosmond with wheat, &c. 308
(See Tryon, Gov. 8 to 13.)
74. Permission to John Hastier to go on board the ship Sally with provisions, ... 323
75. Resolution of Provincial Congress, directing armed schooner Schuyler, James Smith commander, and sloop British, to cruise on the southern shore, between Egg-Harbour and Sandy-Hook, for the protection of vessels coming into port, ... 349
76. Permission to Wright Southgate, master of ship Rosamond, to proceed to sea, ... 349, 350
(See Tryon, Governor, 8 to 15.)
77. Proceedings and orders of Provincial Congress, correspondence with Gen. Lee, and conferences with Lord Stirling, relative to intercourse with, and furnishing provisions for, British ships in the harbour of New-York, ... 341, 343, 346
78. Letter from Gen. Schuyler to Provincial Congress, respecting the employment of Capt. Wynkoop on the lakes, under Commodore Douglass, in pursuance of resolutions of Continental Congress; letter to Commodore Douglass, and proceedings of Provincial Congress thereon, 364, 371, 372
79. Purchase of armed vessel for protection of trade of the Colonies, and requisition on Treasurer in favour of Capt. Anthony Rutgers, for payment therefor, ... 372
80. Permission to Peter Vandevoort to export provisions to the West Indies, on account of the Colony of Connecticut, ... 378
81. Permission to Nicholas Low, in exchange for flaxseed and lumber, ... 378
82. Permission to Jonathan Carpenter, to export provisions, ... 380
83. Requisition on Treasurer for advance to Capt. Wm. Mercier, to enable him to fit out the vessel purchased for the defence of Colonial trade, ... 380
85. Resolution of Provincial Congress, subjecting armed vessels for protection of trade of the Colonies, to the articles of war prescribed by Continental Congress for the government of the navy of the United States, ... 384

PAGE.

SHIPS AND VESSELS—CONTINUED.

86. Certificate of protection to brigantine Elizabeth, Capt. John Palmer, master, ... 398
87. Requisition on Treasurer in favour of Thomas Randall, for purchase and outfit of armed schooner, ... 405
(See Privateers.)
88. Requisition on Treasurer in favour of Capt. William Mercier, for payment of expenses in fitting out armed schooner Montgomerie, ... 408
89. Letters from Wilkie Dodge and others, informing of the capture of the sloops Sally and Polly, and requisition on Treasurer for payment for said sloops, ... 409
90. Letter from Gen. Washington to Committee of Safety, recommending the prohibition of intercourse with British vessels; and resolutions of Committee of Safety therefor, ... 412
91. Report of marine committee, respecting loan of armed vessels fitted out for Colonial use, &c. 416
92. Sale of sloop Bishop of Landaff, to Robert Randall, ... 421
(See Privateers.)
93. Letter from Convention to commissioners for superintending the building of Continental ships at Poughkeepsie, relative to the defence and security of, against attacks of the enemy, ... 526
94. Instructions to commissioners at, ... 528
95. Appointment of committee to treat with Isacher Poluck, upon the sale of the sloop Nonsuch, and her cargo, ...549, 550
96. Letters from Samuel Tudor, one of the agents superinteding the building of the Continental frigates at Poughkeepsie, requesting advice, &c. 650, 662
97. Resolutions of Convention, authorizing the delivery to Maj. Gen Schuyler, by the superintendents for building the Continental frigates at Poughkeepsie, of cordage and rigging for fitting out row galleys on Lake Champlain, ... 651
98. Resolutions of Committee of Safety, directing the sailing of the Continental frigates Congress and Montgomerie, up the river, to Esopus or Claverack, ... 722
99. Letter from Francis Lewis, chairman of marine committee of Continental Congress, respecting destination of such frigates, ... 730
100. Letter from Capt. Samuel Tudor, respecting, ... 730
101. Victor Bicker, Jr. nominated lieutenant of marines for ship Congress, and directed to enlist thirty marines to guard the ships Congress and Montgomerie, and provision for the security and preparation for service of such ships, ... 734
102. Letter from Committee of Safety to Captain Samuel Tudor, respecting the fitting and disposition of the Continenental frigates, ... 749
103. Letter from Francis Lewis, chairman of marine committee of Congress, relative to such frigates, ... 763
104. Requisition on Treasurer in favour of Capt. Robert Castle, for wages and subsistence of himself and the crew of the armed sloop Camden, fitted out by order of the secret committee for the obstruction of Hudson's river, ... 771
105. Report of committee relative to hire and demurrage of sloop Nancy, John Harrison master, from New-York to Bordeaux, in France, and requisition on Treasurer for, ... 773
106. Resolutions of Committee of Safety for the building of a 74 gun ship, ... 773
107. Memorial of Stephen Hogeboom and others, owners of the sloop Middlesex, lost in the Continental service, ... 810
108. Requisition on Treasurer for payment of rations and pay rolls of ship carpenters, joiners, &c. on board the Continental frigate Congress, ... 837
109. Report of committee on the petition of Leonard Smith, Jr. relative to the employment of his vessel in the Continental service, ... 861
110. Report of committee on the account of Captain Charles Sprainger, master of the brigantine Mary, ... 888
111. Report of committee on petition of William Albertson, relative to his claim on the sloop Charlotte Elizabeth, ... 981

SICKLES, JOHN, JR.

1. Chosen 2d lieutenant in beat No. 29, ... 150

SIGNALS.

1. Report of Maj. Genls. Sullivan, Greene and Stirling, respecting the proper signals to communicate the facts of the arrival of British fleet, ... 423

SINCLAIR, PATRICK.

1. His Majesty's Lieutenant-Governor and superintendent of Michilimacinac, detained on parol of honour, at Nassau island in Suffolk county, during the continuance of hostilities with Great Britain, ... 100
2. Proceedings of Provincial Congress thereon, ... 109
3. Parol extended to Lloyd's Neck, ... 128, 129
4. Letter from Provincial Congress to Delegates in Continental Congress, requesting permission for, to go to Britain, ... 345
5. Resolution of Continental Congress, for permission to return to Europe, ... 379
6. Letter from Committee of Safety to, communicating such permission, and letter to committee of Huntington, directing his release on parol, ... 380

SIX NATIONS OF INDIANS.

1. Journal of conference between delegation from, and Caughnawagas, at the instance of commissioners of Indian affairs, ... 169, 170

PAGE.

SLAVES AND SLAVERY.
1. Proceedings of Convention in framing a Constitution, relative to, ... 887, 889
(See Clopper, Cornelius.)

SLOOPS. (See Ships and Vessels.)

SMALLPOX.
1. Order of Provincial Congress, respecting inoculation for, ... 44
2. Letter to committees of observation of East and South Hampton, respecting, ... 48
3. Directions to general committee of association of city of New-York, respecting prevention of, ... 50
4. Letter from William Powell, requesting permission for inoculation of his wife for, denied, ... 159
5. Order of Provincial Congress, prohibiting inoculation for, 216, 217
6. Letter from General Putnam, transmitting information of the inoculation of a number of persons in the city of New-York, and reference to general committee of that city, to inquire into and punish, ... 459
7. Report of committee, and order of Provincial Congress thereon, ... 461
8. Communication from Gen. Putnam to Provincial Congress, expressing his thanks for their exertions, and those of the general committee of the city of New-York, in preventing the spread of; answer of Provincial Congress, ... 463
9. Resolution of Committee of Safety, authorizing inoculation for, under certain restrictions, ... 773
(See Fishkill, 6, 7.)
10. Letter from Gen. Washington, recommending inoculation for, in the Continental army, and appointment of committee to superintend such inoculation, ... 806
(See Schuyler, Philip, 77.)

SMEDES, ABRAHAM.
1. Appointment of, as 1st lieutenant in Capt. Matthew Janse's company, of Shawangunk precinct, in Col. Jonathan Hasbrouck's regiment of militia of Ulster county, ... 552

SMITH, CAPT. JAMES.
1. Appointment of, and warrant of Committee of Safety to, as captain of armed vessel on Lake Champlain, to receive pay as a major, ... 80
2. Copy of report of, filed, ... 112

SMITH, DOCTOR GILBERT.
(See Suffolk County, 14.)

SMITH, EDMUND, JR.
1. Commission to, as first lieutenant of Smithtown company of militia, ... 153

SMITH, COMMODORE JAMES.
1. Requisition on Treasurer in favour of, for services rendered on Lake Champlain, ... 261

SMITH, JOSIAH.
1. Appointment of, as colonel of the troops to be raised by draft from the militia on Nassau island, ... 534
2. To place himself under the orders of Gen. Greene, at the western end of Nassau island, ... 563
3. To despatch his regiment to Horn's Hook, ... 601
4. Directions to Brig. Gen. Clinton, to apprehend and detain militia and levies belonging to regiment of, disbanded or suffered to disperse without permission, ... 605
5. Treasurer directed to stop payment of accounts of regiment of, ... 614

SMITH, MELANCTON.
1. Appointment of, as captain of forces raised in Dutchess county, for the suppression of disaffection, ... 503
2. Requisition on Treasurer in favour of, for payment of wages and subsistence of companies under the command of, ... 695
3. Requisition on Treasurer in favour of, for the purchase of hay for use of the State, ... 1105

SMITH, PHILLIUS.
1. Commission to, as captain of Smithtown company of militia, ... 153

SMITH, RICHARD.
1. Commission to, as ensign of Smithtown company of militia, ... 153

SMITH, SAMUEL.
1. Appointment of, as first lieutenant in Captain John Grennel's company, in place of William Phillipse, declined, ... 78

SNYDER, JOHANNES.
1. Appointment of, as major of Ulster county militia, ... 135
(See Ulster County, 35.)
2. Appointment of, as colonel of the levies detached from the counties of Albany, Ulster, Dutchess and Orange, for the reinforcement of the forts at the Highlands, ... 614
3. Resolutions of Committee of Safety, respecting payment of regiment of, pay, rations and muster rolls of officers and soldiers of, and for the continuance of, in the service, ... 717

SOUTH CAROLINA.
1. Letter from committee of intelligence of Charleston, enclosing copy of an intercepted letter from General Gage, at Boston, to Governor Martin, of North Carolina, and a copy of the general association entered into by Provincial Congress, ... 56, 57

PAGE.

SPARDING, JOHN.
1. Memorial of, for payment of account for boats and teams supplied at Ticonderoga landing, and letter to, from Committee of Safety, referring him to Gen. Schuyler, ... 78

SPENCER, JOSEPH.
1. Appointment of, by Continental Congress, as brigadier-general, ... 63

SPIES.
1. Resolutions of Convention for the trial and punishment of, by court martial, ... 856, 857
(See Mabee, Simon.)
(See Court Martial, 27.)
2. Apprehension of Thomas Kelly, as, ... 1029
3. Examination and commitment of, ... 1030

STATEN, ISLAND.
(See New-Jersey, 11, 12, 13, 14.)
(See Richmond County, 18.)
(See Washington, George, 56.)
(See General Officers, 6.)
1. Letter from Peter T. Curtenius informing of the landing of the British on, without opposition, ... 516

STATE PRINTER. (See Printer to the State.)

STEINROD, CORNELIUS.
1. Permission to, to raise a company for Continental service, ... 422

STEPHENS, FRANCIS.
1. Order of Committee of Safety on information of breaking open house and stores of, and taking of military stores belonging to Great Britain, from, ... 77, 78
2. Intercepted letter from, to Gen. Gage, relative to removal of stores from New-York, &c. ... 122

STEPHENS, JOSEPH.
1. Account of, as messenger to Continental Congress from Provincial Congress, allowed, ... 44

STEPHENSON, JOHN.
1. Appointment of, as surgeon's mate to third regiment, ... 121

STEPHENS, SIMON.
1. Appointment of, as major of brigade in the counties of Gloucester and Cumberland, ... 552

STERLING IRON WORKS.
1. Resolutions of Convention exempting persons employed in, on payment of commutation, ... 900

STIRLING, LORD.
1. Letter from President of Continental Congress to Provincial Congress, requesting supply of arms to be sent to, for use of the troops in New-Jersey, employed in the defence of New-York, ... 202
2. Appointment of committee to procure arms for, ... 207
3. Report of committee, ... 208
4. Letter from Committee of Safety to, discountenancing apprehended design of using vessel of Isaac Gouverneur, at Elizabethtown Point, to seize despatches on board British ship, ... 242
5. Order for suppression of, on subsequent information of the falsity of the rumour, ... 242
6. Letter from Committee of Safety to, respecting the appointment of a barrack master, the inspection of firelocks, and the inhabitants of Staten island; and answer of, ... 254, 260
7. Troops of, to be stationed in the city of New-York, ... 254
8. Letter from Committee of Safety to, informing of the despatch of a pilot boat to the relief of transport vessel at Sandy Hook, ... 260
9. Letter from Committee of Safety to, requesting a release of engagement to furnish troops of, with arms; and answer to, ... 268, 271
10. Letter from, to Committee of Safety, requesting a supply of cartridges; answer of committee, ... 284
11. Letter from, to Provincial Congress, requesting a loan of money for the purchase of provisions and necessaries for troops of; answer to, ... 312, 313
12. Conference with, relative to uniformity and concert of action between commanding officers and Provincial Congress; and appointment of committee to confer with, relative to communication with British ships and sundry other matters; report of committee, ... 343, 346, 347
13. Conference with, respecting the security and protection of the Colony, ... 358
(See New-Jersey, 19.)
14. Regulations agreed to between, and committee of Provincial Congress, for defence of the city of New-York, ... 360, 361
15. Letter from, relative to artillery necessary for immediate use, enclosing return of cannon in the city of New-York, ... 373, 374
16. Directed to order the troops destined for Canada to proceed on their march, ... 375
17. Letter from, requesting Committee of Safety to provide for reception of troops of, in Richmond county, ... 404

STEWART, ALEXANDER.
1. Report of committee on memorial of, and resolutions of Convention, exempting from service, and committing as a prisoner, ... 547, 548
2. Resolution for disposition of, ... 688
3. Order for imprisonment of, at Kingston, ... 1034

PAGE.

STEWART, JAMES.

1. Resolutions of Convention, authorizing the raising of a corps of Scotch Highlanders under the command of, as captain; and providing for the payment of, and bounty to company of, &c. 542, 734
2. Requisition on Treasurer in favour of, for bounty and subsistence for his company, ... 728

STEWART, JAMES, CAPT.

1. Directed to join and form part of, Col. Malcom's regiment,.. 577

ST. JOHNS.

1. Correspondence between Albany committee and Provincial Congress respecting prisoners taken from,..... 29, 32, 112

STOCKBRIDGE INDIANS.

1. Report from committee from House of Representatives of Colony of Connecticut, respecting, ... 12
2. History of embassy of, and conference with the Caughnawagas transmitted to Provincial Congress by Robert Yates of Albany..... 95

STORM, THOMAS.

1. Appointment of, as captain of a company of militia detached from Dutchess county for the reinforcement of the garrisons at the Highlands, ... 655

STOUTENBURGH, TOBIAS.

1. Letter from, declining the command of a regiment in consequence of his age and infirmity, ... 202

STRANG, MAJ. JOSEPH.

1. Requisition on Treasurer in favour of, for payment and subsistence of militia called into service in Westchester county, under his command, ... 915

STRONG, CAPT. SELAH.

1. Requisition on Treasurer for pay and subsistence of Caleb Brewster, and other privates in company of, in Col. Josiah Smith's and Henry B. Livingston's regiment,..... 774

SUFFOLK COUNTY.

1. Names and credentials of Deputies from, to first Provincial Convention, ... 1, 2, 3
2. Proceedings at a meeting of committees from different towns in, ... 3
3. Names and credentials of Deputies from, to first Provincial Congress, ... 7

(See Islip.)

4. Appointment of member of Committee of Safety,..... 70
5. Appointment of Col. Phineas Fanning, David Melford and Timothy Earle as muster-masters of troops to be raised in, ... 70
6. Letter from Burnet Miller, chairman of committee of South Hampton, and also in behalf of committee of East Hampton, requesting troops to be stationed at Montauck Point, and other adjacent places in, ... 74, 75
7. Answer of Committee of Safety, ... 76
8. Letter to committee of correspondence of East Hampton and Southold, enclosing letter from Gen. Washington to Gen. Wooster, informing of the sailing of men of war from Boston, and suggesting measures of defence, &c. 95
9. Permission to John Foster to ship cargo of live stock to West Indies, for the purpose of procuring military stores in return, ... 101

(See Long Island.)

10. Letter to committee of East Hampton, relative to measures directed for protection of stock of inhabitants of Long island, ... 103
11. Letter from chairman of committee of Southold, communicating information of the cruising of ships of war between Montauk and Fisher's island, and asking for an additional supply of gunpowder, ... 104
12. Leave of absence to Captain Thomas Wickham, a Delegate from, to enable him to assist in the protection of his stock on Gardiner's island, ... 105
13. Letter from Col. Fanning, informing of situation of vessels at Gardiner's island,..... 105
14. Letter from Brookhaven committee informing of the unpatriotic conduct of Parson James Lyon, Benjamin Floyd, Dr. Gilbert Smith, Joseph Denton, Richard Floyd and John Baylies, innkeeper; and reference of to committee; proceedings thereon,..... 105, 129
15. Troops of, directed to proceed to Ticonderoga, ... 108
16. Letter to committee of East Hampton and Southold recommending removal of cattle and sheep from Gardiner's and Plumb island, ... 110
17. Appointment of committee to take into consideration the state of the stock on Gardiner's island; and report of, ... 118, 120
18. Letter from chairman of committee of, relative to exposed situation on Gardiner's, Plumb and Shelter islands, Montauk and Oyster Pond Point in case of the departure of Gen. Wooster's troops,..... 118

(See Lawrence Melancton.)

19. Letter to committee of, recommending the formation of militia of, into companies, and the organization of two companies of minute men, for protection of stock, &c. 120
20. Letter to committee of Huntington, transmitting intelligence received from Gen. Wooster, &c..... 126
21. Letter to Col. Jacob Rockwell, of Newtown, ... 126
22. Letter from chairman of committee of, relative to protection of stock, &c. at Montauk Point, Shelter island, Gardiner's island and Plumb island, and the stationing of troops at those points of Long island,..... 142

SUFFOLK COUNTY—CONTINUED.

23. Letter from committee of South Hampton and East Hampton, respecting defence of, &c. and answer of Committee of Safety, ... 146
24. Gunpowder directed to be provided for use of inhabitants of, 146
25. Letter from committee at Brookhaven relative to mode of choosing non-commissioned officers; and answer of Committee of Safety, ... 147
26. Return of militia officers of the company at Smithtown,.... 153
27. Letter to committee of East and South Hampton, giving information of the approach of a ship of war to the westward from Cape Cod, supposed to be destined for, ... 156
28. Resolution of Continental Congress for the ascertainment of hostilities committed by ministerial troops in America, transmitted to committee of, for detailed information concerning, ... 187
29. Letter from William Smith, chairman of a meeting of sundry committees of towns in which the first regiment in, is composed, informing of the resignation of Nathan Woodhull and Edmund Smith, Jr. as first and second majors of said regiment; and recommending appointment of Jeffrey Smith and Jesse Brush, in their places; order of Provincial Congress for such appointments,..... 191
30. Names and credentials of Deputies from, attending second Provincial Congress,..... 206
31. Appointment of officers in second and third companies of first regiment, in Huntington; letter from committee of, ... 214, 215
32. Affidavits of Samuel Nostran and Isaac Loosie, respecting powder magazines of the British at Rockway, and the designs of the British troops,..... 215, 216
33. Return of officers of company of minute men in Brookhaven, Smithtown, &c. 232
34. Letter from Provincial Congress to committee of, transmitting a supply of powder for use of inhabitants of, ... 239
35. Resolutions of Provincial Congress for raising artillery company in, for defence of, and for protection of Continental cruisers on the Sound, to be regarded as minute men, ... 239
36. Resolutions and proceedings of Provincial Congress on case submitted by committee of Huntington, of Captain Barnabas Swain, of the sloop Bellona, &c. 248
37. Application of John Foster, of, for permission to export live stock in exchange for gunpowder, and for sale of vessel; and letter to Delegation in Continental Congress respecting; answer of Delegation, ... 258, 278
38. Letter from chairman of committee of, transmitting list of officers of minute men and artillery approved and chosen by the county committee,..... 284
39. Letter from chairman of committee of, transmitting list of officers in the fifth company at Huntington, and those elected according to the resolves of Congress,..... 285
40. Letter from chairman of Islip committee, transmitting choice of officers of militia company in order for commissions to, 296
41. Letter from committee of South Hampton, East Hampton, and Shelter island, informing of the prohibition of sale and exportation of provisions; and requesting the presence of a body of troops for defence, and the establishment of a post from New-York, ... 310, 311
42. Letter from chairman of committee of, recommending field officers for regiment of minute men in,. 314
43. Return of election of officers of a minute company in East Hampton, ... 321
44. Return of election of officers of two companies of minute men in South Hampton,..... 321
45. Recommendation to committee of, to continue embargo on the exportation of provisions, &c. 322
46. Letter to committee of East and South Hampton, transmitting resolution of Provincial Congress for the stationing of suitable persons on the most proper places, for observing the approach of a fleet, ... 337
47. Statement of Col. David Mulford's regiment in, ... 339
48. Letter from chairman of committee of, praying for a loan from Provincial Congress; order for,..... 362, 363
49. Resolution of Provincial Congress referring the propriety of continuing the embargo laid by committee of, on the exportation of provisions in, to the discretion of committee of,.. 365
50. Letter from chairman of committee of East Hampton, transmitting sundry prisoners; examination of, ... 370

(See Sinclair, Patrick.)

51. Letter from John Chatfield, chairman of committee of East Hampton, informing of the appearance of a fleet, and requesting assistance,..... 382
52. Proceedings of Provincial Congress thereon,..... 383
53. Letter to Brig. Gen. Woodhull, conferring full power to act without directions from Provincial Congress, &c..... 383
54. Letter from committee of, requesting assistance of troops and magazine of provisions,..... 390
55. Appointment of committee to confer with General Heath thereon, ... 397
56. Report of committee, and proceedings thereon,..... 398, 400
57. Return of election of officers of a company of minute men in Brookhaven, ... 400
58. Return of election of officers in Colonel Josiah Smith's regiment in Southold, ... 430
59. Directions to committee of, to deliver arms taken from disaf-

PAGE.

SUFFOLK COUNTY—CONTINUED.

fected persons, to the companies of the second regiment in, ... 430
60. Names and credentials of Delegates from, to third Provincial Congress, ... 449
61. Letter from William Smith, respecting communication of inhabitants of, with British ships of war; and answer of Provincial Congress, ... 466
62. Order to committee of Huntington for the arrest of Philip Youngs and Samuel Brown, on charge of counterfeiting bills of credit; return of committee, ... 470, 471
63. Order for commitment of Philip Youngs, ... 471
64. Return of election of officers of militia company in the district of Musquito Cove, ... 495
65. Letter to committees of Huntington and Southold relative to deserters from, on board the armed sloop Montgomerie, .. 509
66. Return of officers in the second company of the third battalions of militia in, ... 510
67. Names and credentials of Deputies from, in fourth Provincial Congress, and Convention at White Plains, ... 515, 587
68. Letter to committees of East and South Hampton, relative to the preservation of the stock at Montauck, ... 522
69. Appointment of Representatives in Assembly for, ... 918

SULLIVAN, GEORGE.
(See Albany, City and County, 22.)

SULLIVAN, JOHN.
1. Appointment of, by Continental Congress as brigadier-general, ... 63

SUPERVISORS.
1. Resolution directing the election of, in the several towns, ... 818

SUPREME COURT.
(See Judges of the Supreme Court.)
1. Resolution of Convention, respecting the times and place of holding, ... 957

SURGEONS.
1. Appointment of, ... 62, 121, 331
(See Cooke, Samuel.)
(See Williams, John.)
(See Adams, William.)
(See Mead, William.)
(See White, Henry.)
(See Continental Congress, 189.)
(See Miller, Matthias B.)
(See Haviland, Ebenezer.)
(See Curtis Benjamin.)
(See Osborne, Cornelius.)
(See Halsey, Stephen.)
(See Foreman, William.)

SURGEONS' MATES.
(See Hemming Philip.)
(See Woodruff, Hunlock.)
(See Williams, Bedford.)
(See Sands, Edward.)
(See Stephenson, John.)
(See Marvin, Joseph.)
(See Ledyard, Isaac.)
(See Menema, Daniel.)
(See Graham, George.)
(See Continental Congress, 189.)

SWARTWOUT, CORNELIUS.
1. Appointment of, as third lieutenant in Captain Bowman's company, ... 463

SWARTWOUT, JACOBUS.
1. Appointment of, as muster-master of certain troops, by Provincial Congress, ... 70
2. Appointment of, as colonel of regiment of minute men in Dutchess county, ... 135
3. Letter from to Provincial Congress respecting temporary admission of Captain Billings and his men into regiment of; answer of Provincial Congress, ... 308
4. Letter from, enclosing returns of such companies of his regiment as are on duty, ... 312, 313
5. Report of military committee relative to, ... 314
6. Requisition on Treasurer in favour of, for use of his regiment, ... 323
7. Letter from, respecting enlistment of certain minute men in regiment of; order of Provincial Congress thereon, ... 337
8. Return of officers of company of minute men in regiment of, 371
9. Appointment of, as colonel of first regiment of Dutchess county militia, ... 528
10. Promotions in regiment of, ... 627
11. Resolutions of Convention, authorizing the calling out the militia of Dutchess county for the security of the passes of the Highlands; and to oppose the incursions of the enemy, 847
12. Appointment to the command of company of associated exempts in Dutchess county, ... 987

T.

TAPLIN, JOHN. (See Gloucester County, 13.)

TAPP, WILLIAM.
1. Appointment of, as quarter-master of first regiment, ... 66

PAGE.

TARRY TOWN. (See Westchester County, 62, 63.)

TAXATION.
1. Resolution of Continental Congress, recommending the imposition of, in the several States, to defray the expenses of the public service, ... 790

TAYLOR, ANDREW.
1. Appointment of, as second lieutenant in Captain Steinrod's company, ... 498

TEA.
1. Letter from Provincial Congress to Delegates in Continental Congress respecting the expediency of permitting the sale of teas imported from Holland, with the addition of a certain duty, ... 92
2. Letter from Delegates in Continental Congress, respecting, .. 155
3. Letter from Gen. Washington, transmitting resolution of Continental Congress, regulating the price of, and a letter from Isaac Sears, of New-Haven, respecting the sale of, .. 440
(See Ulster County, 48, 67.)
4. Letter from chairman of Kingston committee, stating that the women surround the committee chamber, and say if they cannot have tea, their husbands and sons shall fight no more, ... 590
5. Answer of Convention, ... 609
6. Resolution of Convention appointing a committee to inquire into abuses in the sale of, ... 652
7. Preamble and resolutions of Committee of Safety respecting the sale of, ... 682
(See Albany City and County, 84.)

TELESCOPE.
(See Washington, George, 67.)
(See New-York City and County, 176.)

TELLER, JAMES.
1. Appointment of, as captain; directed to join Gen. Clinton's brigade, ... 604

TELLER, REBECCA.
1. Appointment of administrator of goods and chattels, rights and credits of, ... 784

TEN BROECK, DIRCK.
1. Appointment of, as commissioner to superintend the Continental loan office in this State, ... 833
2. Bond of, ... 849

TEN BROECK, LEONARD.
1. Appointment of, as captain of the 1st company in Col. Peter R. Livingston's regiment of militia, ... 773

TEN BROECK, BRIG. GEN. PETER.
1. Letter from, recommending field and staff officers of Colonel Graham's regiment; answer of Comittee of Safety, ... 618

TEN BROECK, SAMUEL I.
1. Appointment of as second lieutenant in Captain Goosback's company, ... 694
2. Appointment of, as 1st major in Colonel Peter R. Livingston's regiment, ... 772

TEN EYCK, BARENT I.
1. Appointment of, as adjutant, 2d regiment, ... 62

TENTS. (See Military Stores, 6.)

TESTARD, REV. JOHN PETER.
1. Resolution of Provincial Congress for employment and pay of, as French interpreter to Gen. Schuyler and chaplain for Colonial troops, ... 67
2. Letter from Committee of Safety to, ... 86

TEST OATHS.
1. Resolution of Continental Congress, prohibiting the imposition of, by military officers, ... 379

THIRD REGIMENT. (See Clinton, Col. James.)
1. Field officers of, ... 62, 98
2. Report of colonel as to condition of, ... 86
3. Surgeon of, and surgeon's mate, ... 62, 121
4. Captains of, authorized to impress and appraise arms in Queens county, ... 149
5. Appointment of Andrew Moodie as adjutant of, in place of Adam Schroter, ... 158

THOMAS, JOHN.
1. Appointment of, by Continental Congress, as brigadier-general, ... 63

THOMAS, THOMAS.
1. Appointment of, as colonel of regiment of militia in Westchester county, ... 526

THOMPSON, ISRAEL.
1. Appointment of, as major of 1st regiment of militia in Dutchess county, ... 528
2. Appointment of, as lieutenant-colonel in Col. Swartwout's regiment, ... 627

THOMPSON, THOMAS.
1. Appointment of, as lieutenant in Capt. Alexander Hamilton's company of artillery, ... 574
2. Recommendation of, by Capt. Hamilton, and resolutions of Convention thereon, ... 573, 574

THOMPSON, BRIG. GEN. WILLIAM.
1. Requisition on Treasurer in favour of, for payment of wagoners, for transporting powder to Cambridge, ... 379

PAGE.

THOMPSON, BRIG. GEN. WILLIAM—CONTINUED.

2. Assigned to the command in New-York, by Continental Congress, ... 379
3. Requisition on Treasurer in favour of, ... 386
4. Letter from, to Committee of Safety, respecting protection of the furniture of individuals leaving the city of New-York, ... 339

THORN, CAPTAIN STEPHEN.
(See Queens County, 13.)

THORNE, RICHARD.

1. Appointment of, as major of the militia drafted in Kings and Queens counties, ... 568

THORNE, SAMUEL.

1. Appointment of, as lieutenant of company in Albany county, for the detection and suppression of conspiracies, ... 666

TICONDEROGA AND CROWN-POINT.

1. Proceedings of Provincial Congress on recommendation of Continental Congress, relative to the removal of artillery and stores from Ticonderoga to the south end of Lake George, ... 9, 10
2. Appointment of committee to superintend such removal, ... 10
3. Appointment of committee to provide for expense thereof, ... 10
4. Letter to Governor and Company of English Colony of Connecticut, respecting, ... 10, 11
5. Report of committee of conference, relative to capture and defence of fortress at, ... 12
6. Letter and instructions to agents for superintending the removal of the cannon and stores from, ... 12
7. Letter from Provincial Congress to Committee of Safety for Colony of Massachusetts Bay, and to committee of correspondence for Colony of New-Hampshire, respecting defence of fortress at, ... 14
8. Communication from Captain Asa Douglass, respecting services and compensation of troops engaged in the capture of, ... 14
9. Letter from Hon. Jonathan Trumbull, Governor of the Colony of Connecticut, to Provincial Congress, respecting defence of Ticonderoga and Crown-Point, enclosing letter from Col. Benedict Arnold, ... 16, 17
10. Answer of Provincial Congress, ... 17, 18
11. Provisions ordered to be forwarded to garrisons at, without delay, ... 18
12. Report of estimate of expense of removing cannon and stores from Ticonderoga, ... 20
13. Provisions ordered to be forwarded to agents for removal of such cannon and stores, ... 21
14. Letter from Joseph Warren, President of Provincial Congress of Massachusetts Bay, respecting defence of, enclosing letter from Colonel Benedict Arnold; list of cannon and stores taken, &c.; and answer of Provincial Congress, 22, 23, 33, 34
15. Letter from Jonathan Trumbull, on behalf of Governor and Company of Colony of Connecticut, respecting defence of, 23
16. Letters from Albany committee, respecting fortifications and defences at, and the reduction of, and removal of cannon, &c. to Lake George, ... 23, 24, 29
17. Resolution of Continental Congress, requesting Governor of Connecticut to send reinforcements to garrisons at; and Provincial Congress to furnish with provisions and supplies, &c. 27
18. Directions and instructions of Provincial Congress, to commissary for the furnishing provisions and stores for the garrisons at, &c. 27
19. List of men and articles directed to be procured by commissary, and forwarded to the south end of Lake George, ... 28
20. Resolution of Continental Congress for reinforcement of garrisons at, and the appointment of commissaries by Connecticut, ... 29
21. Resolution of Continental Congress, transmitted to commander of forces at, discountenancing expeditions or incursions into Canada, ... 30
22. Letter from Provincial Congress to Governor and Company of Connecticut, respecting defence of, ... 30
23. Letter from Delegates in Provincial Congress, respecting defence of, and supplies of arms and ammunition, and answer of Provincial Congress, ... 30, 32
24. List of artificers and military stores ordered to be forwarded to, by Provincial Congress, ... 32
25. Letter from Provincial Congress to Albany committee, directing troops raised by, to proceed to Ticonderoga 32
26. Proceedings of Provincial Congress, respecting the re-manufacturing of powder at; and letter respecting, to Commander-in-Chief and commissioners for superintending removal of cannon and stores from, ... 36
27. Order of Provincial Congress, respecting transmission of powder for use of troops at, ... 47
28. Letter from Albany committee respecting condition of forces at, ... 54
29. Order of Provincial Congress for supplies to commissary at, ... 60
30. Gen. Schuyler directed to repair to, for examination, &c., ... 62
31. Resolutions of Continental Congress respecting the procurement of a list of the garrison at, and for the payment of, ... 63
32. Supply of powder sent to, from Philadelphia, by Continental Congress, ... 64

PAGE.

TICONDEROGA AND CROWN-POINT—CONTINUED.

33. Receipt of 200 barrels of flour, for use of troops at, ... 65
34. Letter from Gen. Schuyler to Provincial Congress, requesting advance of money to Messrs. Allen & Warner, for services rendered in the reduction of, ... 65, 66
35. Order of Provincial Congress thereupon, ... 66
36. List of men who went to Manchester, in Charlotte county, to, under command of Lieut. Joseph Lockwood, and account of expenses of, ... 74
37. Letter from Col. Benjamin Hinman, respecting defences of, and at Fort George, &c., ... 74
38. Letter from chairman of committee of Springfield, in Massachusetts Bay, respecting importance of retaining command of fortresses at, &c., ... 76, 77
39. Transmission of gunpowder from Philadelphia for use of troops at, ... 82
40. Letters from General Schuyler, urging the importance of strengthening the garrisons at, requesting supplies, &c. and enclosing letters from Governor Trumbull, and answer of Provincial Congress, ... 94, 95, 96, 103, 104
41. Capt. John Lamb's company of artillery directed to join Gen. Schuyler at, ... 99
42. Letter from Walter Livingston, deputy commissary-general, relative to ruinous condition of fortress at, ... 99
43. Suffolk county troops ordered to proceed to, ... 108
44. Resolutions of Continental Congress, relative to the construction of batteaux at, ... 250
45. Information of the marching of the British troops under Gen. Burgoyne to the siege of, ... 569
46. Letter from commissioners appointed by Convention, communicating a statement of the condition, military operations, and prospects of the army under command of Gen. Yates at, ... 574, 575
47. Letter from Gen. Schuyler, requesting a reinforcement at the fortress at, ... 792
48. Letter from Rev. Samuel Kirkland, a missionary among the Oneida Indians, to Gen. Schuyler, informing of an intended attack upon, ... 795
49. Resolutions of Committee of Safety, authorizing Gen. Schuyler to despatch one-fifth part of the militia of Albany, Tryon, Charlotte, Cumberland, and Gloucester, to the reinforcement of, and to furnish arms, accoutrements, and provisions therefor, ... 800
50. Resolutions of Convention against abandoning that portion of the works lying on the west side of Lake Champlain, ... 913
51. Gen. Schuyler directed to take the command of, ... 952
52. Letter from Gen. Schuyler to Council of Safety, respecting condition of the army at, &c., ... 982
53. Letter from the Council of Safety to Gen. Schuyler, relative to the proposed evacuation of, ... 988
54. Letter from Gen. Schuyler, expressing his astonishment at the conduct of the general officers in evacuating, ... 992
55. Letter from Council to Gen. Putnam, enclosing copy of Gen. Schuyler's letter, ... 992
56. Letter from Council to Gen. Schuyler, ... 992
57. Answer of Gen. Putnam, ... 994
58. Letter from Gouverneur Morris to Council of Safety, respecting the abandonment of, &c., ... 997
59. Resolution of Congress for supplying troops at, with blankets, ... 997, 998
60. Resolutions of Council of Safety thereon, ... 1003
61. Letter from Council of Safety to commissioners at, respecting the retreat from, ... 1004

TILGHMAN TENCH.

1. Letters from, relative to obstruction of the navigation of the Hudson, ... 646, 662
2. Letters from, relative to proceedings of British frigates, ... 669
3. Letters from, containing an account of the attack upon, and capitulation of, Fort Washington, ... 712
4. Resolutions of Convention for present to, for his services in corresponding with committee of, ... 851

TILLOTSON DANIEL.

1. Commission to, as second lieutenant of Smithtown company of militia, ... 153

TORIES.

(See Westchester county, 33, 78.)
(See Queens county.)
(See Richmond county.)
(See Tryon county.)
(See Disaffected Persons.)
(See Lee Charles, 32.)
(See Orange county, 50.)

1. Resolutions of Provincial Congress and Committee of Safety against, in Queens and Richmond counties, 216, 229, 230, 231, 252
2. Resolution of Provincial Congress, authorizing the purchase of pitch, tar, and turpentine for public use and safety, ... 232
3. Proceedings against Alexander Leslie, ... 252
(See Prisoners, 22 to 31, 101, 102.)
5. Resolutions of Continental Congress, directing the arrest, imprisonment, and disarming of, ... 289, 375, 379
6. Appointment of committee, by Committee of Safety, to report a plan for disarming, pursuant to such resolutions, ... 386
7. Report of and resolutions of Committee of Safety thereon, ... 389
8. Examination of Peter Du Bois, on charges preferred against

PAGE.

TORIES—CONTINUED.

him by Rev. Barnard Page and others; reprimand to, and discharge of, ... 403, 404
9. Letter from, in Kings county, requesting to be excused from militia duty, in consequence of having been disarmed,.... 411
10. Apprehension of Derby Doyle,..... 413
11. Resolutions of Provincial Congress, requiring the payment of compensation for military duty from persons disarmed on account of their inimical principles,..... 440
12. Scheme of, in Connecticut and Long island, for a junction to the ministerial army, &c., and a letter to Gen. Washington from Jonathan Sturges, of Fairfield, transmitting list of deserters,..... 453
13. Examination of John Hendrickson, relative to proceedings and designs of, on Long island,..... 454
14. Examination of Martin Beebe and Asa Douglass, relative to proceedings and designs of, in Kings district, Albany county, ... 455, 554
15. Report of committee, on the dangers to which the Colony is exposed from, and recommending the apprehension of, &c.,..... 456, 459, 450
16. Appointment of committee to frame law in accordance with such report,..... 461
17. Report of committee, and proceedings thereon,..... 464
18. Letter from Gen. Putnam, informing of visitation of ladies to, in jail, and improper conduct of,..... 467
19. Letter from Gen. Putnam, transmitting a list of, in confinement at the Highlands, and requesting the direction of Provincial Congress thereon; resolutions of Provincial Congress respecting,..... 471, 472
20. Resolutions of Provincial Congress, relative to arrest of, and proceedings against,..... 476, 477, 478
21. List of, in the counties of New-York, Queens, Richmond, Kings, and Westchester,..... 476, 477
22. Arrest and imprisonment of Jonathan Baker and Stephen Fountain, charged with holding traitorous correspondence with the public enemy, and taking up arms against the liberties of the country,..... 484
22. Letter from committee of Salem, in Westchester county, requesting instructions from Provincial Congress respecting the treatment of,..... 485, 486
23. Answer of Provincial Congress,..... 486
24. Resolutions of Provincial Congress, disapproving of certain riotous and tumultuary conduct towards, in the city of New-York,..... 491
25. Resolutions of Continental Congress, recommending the adoption of effectual measures for the detection, restraining, and punishing of,..... 497
26. Application of committee of Dutchess county, for an armed force for quieting and apprehending; report of committee in favor of, and proceedings of Provincial Congress thereon,..... 499, 500, 503
27. Form of general association, required to be signed by all suspected persons,..... 500, 501
28. Directions to Commander-in-Chief to secure and disarm sundry disaffected persons on Nassau island,..... 504
29. Report of council of general officers, respecting the most proper mode of securing the good behavior of, and disapproving of the discharge of, on giving bonds,..... 509
30. Resolution of Provincial Congress for the apprehension and imprisonment of disaffected persons, secreting themselves in woods, swamps, and other places,..... 512
31. Appointment of committee to carry into execution the resolves of Provincial Congress respecting; and powers of,..... 518

(See Washington, George, 58, 73.)
(See Resolutions of Convention, 4, 16, 20, 29, 31, 43. 154.)

32. Resolutions of Convention for the imprisonment of William and John Sutton, of Westchester county,..... 542
33. Arrest and imprisonment of Henry Chase, of White Plains,. 542
34. Letters from Convention to Gen. Washington, committee of Monmouth county, in New-Jersey, and President of Convention of New-Jersey, transmitting examination of Balthazar De Hart, relative to conduct of, in Monmouth county, 544
35. Resolution of Convention in the case of Willet Taylor,..... 570
36. Apprehension of William Lownsbery, and proceedings thereon,..... 599, 600
37. Affidavit of W. De Peyster, relative to the conduct of Joseph Reade; referred to committee of Westchester county..... 610
38. Arrest, examination, and order for commitment of William Warne,..... 617 to 621
39. Order for apprehension and detention of Rev. Samuel Seabury, of the borough of Westchester,..... 621
40. Order for apprehension and detention of William Tredwell, Samuel Gale, and Isaac Ludlum, on suspicion of traitorous correspondence with the enemy,..... 623, 630
41. Order for apprehension and detention of sundry inhabitants of Ulster county,..... 623
42. Apprehension of Isaac Ketchum,..... 636
42. Letters from Thaddeus Crane to Major Joseph Benedict, respecting conduct of,..... 638

(See Albany county, 56. 61. 66. 75, 76.)
(See Dutchess county, 57, 58.)

TOWN COMMITTEES.

1. Formation of recommended,..... 15, 18

PAGE.

TOWN COMMITTEES—CONTINUED.

2. Directed to purchase or hire arms for use of Continental army,..... 103
3. Authorized to apprehend, try, and imprison suspected persons, and to sequester estates,..... 131, 132
4. To appoint assessors and collectors for the apportionment and collection of the quotas of the several towns in the redemption of bills of credit; and to act as supervisors,..... 134
5. Authorized to imprison persons refusing to appear and give testimony before, when required,..... 215

TOWN OFFICERS.

1. Resolutions of Convention, directing the several towns, &c. to proceed to the election of,..... 818, 829

TOWNSEND, MICAH.

1. Appointment of, as captain of the forces raised in Westchester county, for the apprehension of disaffected persons,..... 503
2. Ordered to the mouth of Croton river,..... 541
3. Requisition on Treasurer in favor of, for pay and subsistence of company of,..... 744

TOWNSEND, ROBERT.

1. Appointment of, as commissary to the troops under command of Brig. Gen. Woodhull,..... 590

TREASON.

1. Resolutions of Continental Congress, declaring what acts shall constitute; and recommending the passage of laws for the punishment of,..... 506
2. Resolutions of Convention, defining and declaring the punishment of,..... 527
3. Proceedings of court martial, in the case of Samuel Knap and Samuel Devine, on charge of,..... 814, 815

TREASURER OF COLONY OF NEW-YORK.

(See Lott, Abraham, 3.)
(See Livingston, Peter Van Brugh, 2.)

TRENTON.

1. Letter from chairman of committee of, respecting furnishing of posts, &c.,..... 200
2. Letter from Gen. George Clinton, transmitting information of the battle of,..... 765
3. Letter from Gen. Washington,..... 769, 770

TRIMBLE, ALEXANDER.

1. Appointment of, as quarter-master Ulster county militia,.... 135

TRIP, HENRY DOUW.

1. Appointment of, as second lieutenant in Captain John Wyley's company,..... 416

TROOPS OF HORSE.

(See Resolutions of Convention, 17.)
(See Clinton, George.)

TRUMBULL, JONATHAN, Governor of the Colony of Connecticut.

(See Connecticut.)

1. Letter from, to Provincial Congress, respecting defence of Ticonderoga and Crown Point,..... 16, 17
2. Answer of Provincial Congress,..... 17, 18
3. Letter from, to General Schuyler, respecting provisions for troops at Ticonderoga,..... 96

TRUMBULL, JONATHAN, JR.

1. Letter from Joseph Trumbull, Jr. directing to purchase large quantities of flour, beef, and pork, for the use of the army at Cambridge,..... 123
2. Letter of credit from Joseph Trumbull, in favor of, to merchants in New-York and Philadelphia,..... 123
3. Letter from Nathaniel Shaw, Jr., directing as to the safest way of transporting flour,..... 123
4. Letter from Provincial Congress to, as deputy paymaster-general of the Continental forces, requesting an advance to Col. Holmes; answer from, declining,..... 127

TRUMBULL, JOSEPH, Commissary-General.

(See Trumbull, Jonathan, Jr.)

1. Letter from, to Provincial Congress, requesting the prohibition of exportation of provisions,..... 489
2. Letter from, informing of the evacuation of the city of New-York by the American army,..... 629

TRYON COUNTY.

1. Letter to Christopher Yates and Major Jellis Fonda, in,.... 21
2. Letter and documents of Albany committee, respecting proceedings in,..... 23, 24
3. Letter from Delegates in Continental Congress, respecting appointment of Deputies from, to Provincial Congress,. 25
4. Letter from Provincial Congress to inhabitants of,..... 28
5. Attendance, admission, and credentials of Delegates from, to Provincial Congress,..... 70, 175
6. Appointment of member of Committee of Safety for,..... 70
7. Speech of inhabitants of, to Oneidas and Tuscaroras, at German Flats, transmitted to Provincial Congress by Robert Yates, of Albany; and answer of Oneidas,..... 95
8. Mr. Harper, of Harpersfield, in, authorized to purchase a quantity of gunpowder of Robert R. Livingston, for use of inhabitants of that part of,..... 100
9. Letter from committee of, communicating information of the raising of troops, and appointment of officers therein,..... 103

PAGE.

TRYON COUNTY—CONTINUED.

10. Letter from Nicholas Herkimer, chairman of committee of, requesting instructions, &c., ... 113
11. Letter from Provincial Congress to Albany committee, respecting case of White, late sheriff of, &c ,..... 127
12. Return of field officers, captains, and subalterns in,..... 139
13. Resolutions of committee of, respecting the settlement of disputes, trespasses, &c. arising in, ... 140
14. Letter from Committee of Safety to,..... 140
15. Letter from committee of, requesting appointment by Governor of John Frey, as sheriff; and complaining of the insolence of Highland settlers,..... 153
16. Affidavit of William Biddle, respecting declaration of Alexander White, sheriff of,..... 153
17. Letter to committee of, requesting the attendance of Delegates from, to Provincial Congress,..... 199
18. Letter to committee of, respecting the proper course to be pursued in relation to Sir John Johnson and his tenants; his claim to the court-house and jail; and the conduct of Mr. White,..... 212
19. Names and credentials of Delegates from, to second Provincial Congress,..... 213, 293
20. Letter from chairman of committee of, requesting the loan of £500 for county of,..... 296
21. Order of Provincial Congress for such loan,..... 301
22. Names and credentials of Deputies from, to third Provincial Congress,..... 449
23. Names and credentials of Deputies from, in fourth Provincial Congress,..... 518, 519
24. General committee of, authorized and requested to employ proper persons to take the leaden weights from windows in, for the public service,..... 521
25. Militia of, formed into a separate brigade, and Nicholas Herkimer appointed brigadier-general, and John Frey brigade major,..... 610
26. Memorial of Isaac Paris and others, complaining of the return of Hendrick Frey, Frederick Young, and other suspected persons,..... 662
(See Rangers.)
27. Resolution of the Committee of Safety, approving of the apprehension and commitment of Captain John Winn, on a charge of having killed one of his men,..... 724
(See Herkimer, Nicholas.)
28. Report of committee and resolutions of Convention, relative to intercepted letters to disaffected persons in Canada, the erection of salt works in, the detention of prisoners taken by committee of, the impolicy of administering oaths of allegiance, and the disposition of forfeited estates; letter to committee of,..... 883, 884
29. Appointment of Anthony Van Vechten as sheriff of,..... 912
(See Resolutions of Convention, 137.)
30. Letter from chairman of committee of, relative to the deplorable situation of, and requesting seasonable aid; answer of Council of Safety,..... 1006, 1007, 1009
31. Deposition of Frederick Hellmer, of an interview and talk with a sachem of the Oneidas,..... 1007
32. Letter from committee of Schoharie, setting forth the apprehensions of the people of that quarter of an attack from the Indians; answer of Council of Safety,.... 1004, 1010, 1011
33. Letter from Council to committee of,..... 1015
34. Report of committee, and resolutions of Council of Safety, relative to the adoption of effectual measures for the relief of,..... 1051
35. Letter from committee of, relative to sending a party of troops to Unadilla, and transmitting extracts of a letter from Gen. Gates, respecting the situation of,..... 1090, 1091
36. Report of committee and resolutions of Convention, relative to commissioners of sequestration in, &c.,..... 1115

TRYON, GOVERNOR.

1. Resolution of Provincial Congress, declaring intended address of corporation of New-York to, improper,..... 66
2. Appointment of committee to wait upon, to know whether he has any intelligence from Boston, relative to removal of British troops from, to New-York,..... 112
3. Resolution for protection of house of,..... 122
4. Orders from Lord Dartmouth to the commanders of His Majesty's ships in America, to consider the further raising of troops or erection of fortifications, &c. in any cities or places, as an act of rebellion, communicated to,..... 152
(See New-York City and County, 60, 61.)
5. Appointment of committee to wait upon, to ascertain the exact purport of such letter,..... 153
6. Letter from President of Continental Congress to Provincial Congress, requesting copy of letter of the mayor of New-York, relative to alleged recommendation of Continental Congress to seize officers of Colonial government, including himself,..... 188
7. Resolutions of Provincial Congress, respecting address of, to inhabitants of the Colony, and respecting removal of, from city of New-York,..... 210, 211, 217
8. Permission to members of His Majesty's Council, the magistrates of the city of New-York, and other officers to visit, on board his ship; and order therefor,..... 296, 297, 302, 351
9. Permission to Dr. Middleton, physician of, to go on board said ship,..... 297, 315
10. Permission for supply of provisions, &c.,..... 298, 299, 300

PAGE.

TRYON, GOVERNOR—CONTINUED.

11. Interdiction by Gen. Lee of all further communication with ship of,..... 304
12. Report of committee, relative to charge against, of procuring gunsmiths, &c.,..... 305
13. Report of military committee, and order of Provincial Congress respecting communication with, and supply of provisions, &c. for ship of,..... 308, 309
14. Permission to Andrew Elliott, collector of the port of New-York, to go on board ship of,..... 315
15. Proceedings and orders of Provincial Congress, correspondence with Gen. Lee, and conferences with Lord Stirling, relative to supply of provisions for, and communication with, ship of,..... 341, 343, 346
16. Letter from, to inhabitants of Colony,..... 375
17. Letter from, to Committee of Safety, informing of the burning of pilot house by the British vessels, and offering safe conduct to vessels sent out for Adam Dobbs, keeper of, his family and effects,..... 421
18. Letter from John Jay, a Delegate in Continental Congress, relative to the imposition by, of oath to passengers in London packet; appointment of committee thereon,..... 428
19. Information communicated to Provincial Congress of correspondence between ship of, and one Mrs. Hill and Mrs. Hatch; appointment of committee to investigate; and report of,..... 472, 474
20. Letter from Convention to Continental Congress, relative to enlistments by, of disaffected persons in New-York and New-Jersey,..... 521

TUDOR, SAMUEL, Captain Independent Artillery Company in New-York City.
(See Petitions, 2.)
(See New-York City, 10.)
1. Petition from, respecting rank of; and appointment of committee to inquire respecting,..... 180
(See Ships and Vessels, 96, 100, 102.)
2. Requisition on Treasurer in favour of, for loan for payment of raft of timber for the building of Continental frigates at Philadelphia,..... 687
3. Requisition on Treasurer in favor of, for procuring and cutting timber for a 74 gun ship,..... 806

TURTLE BAY.
1. Resolution of Provincial Congress, respecting removal from, of military stores belonging to the Crown, and appointment of committee to direct the dispersion, &c. of persons engaged therein; report of such committee,..... 35
2. Permission given to any cooper to go to, and put in order the Crown stores,..... 37
3. Application of Gov. Tryon to Mayor of New-York, for permission to remove stores at, and order of Provincial Congress thereon,..... 60

TUSCARORA INDIANS.
(See Oneida Indians, 6, 7.)
1. Letter from chiefs of, to Henry Wisner, Jr., of Ulster county, requesting a supply of gunpowder and flints, giving assurances of their peaceable disposition and neutrality, and inviting the inhabitants to deal with them in gunpowder and goods; order of Convention thereon,..... 539

TUTHILL BARNABAS.
1. Appointment of, as major 4th regiment,..... 62
2. Requisition on Treasurer in favor of, for money to enable to join the army at Ticonderoga, under Gen. Schuyler,..... 130

U.

ULSTER COUNTY.
1. Names and credentials of Delegates from, to first Provincial Convention,..... 1, 2
2. Names and credentials of Delegates from, to first Provincial Congress,..... 7
3. Letter from committee of precinct of Mamacoting, relative to militia officers and other local matters,..... 13
4. Appointment of member of Committee of Safety for,..... 70
5. Loan from loan officers of, through Treasurer, for the public exigency,..... 75
6. Letter from chairman of Kingston committee to Deputies of, relative to certain articles of clothing for soldiers of; and answer of Provincial Congress,..... 108
7. List of field officers for,..... 135
8. Resolutions and proceedings of committee of the town of Kingston, relative to the taking of the sloop Sarah, belonging to Christian Bergen, Jr.; inventory of articles on board of; and letter of Committee of Safety,..... 150, 151
9. Returns of officers of the several companies of militia in Col. Hasbrouck's regiment,..... 170
10. Returns and papers relative to sundry disputes and controversies in, about elections and commissions of militia officers of,..... 183
11. Referred to Delegates from, and Queens,..... 183
12. Report of committee thereon,..... 188
13. Letter from Provincial Congress to committee of, transmitting resolutions of Continental Congress for the raising of men from militia for the occupation and defence of the fortifications at the Highlands,..... 198

PAGE.

ULSTER COUNTY—CONTINUED.

14. Letter from, informing of the election of officers of a company of minute men in New-Marlborough precinct, ... 202, 203
15. Names and credentials of Deputies from, attending second Provincial Congress, ... 205, 206, 293
16. Returns of officers of three companies of minute men in, ... 207
17. Returns of officers for the southeast district of New-Marlborough, in, ... 225
18. Resolution of Provincial Congress, recommending Isaac Belknap to fill the first suitable vacancy in the militia or minute men in the southern part of that county, ... 225
19. Appointment of George Clinton, as brigadier-general of militia of, ... 226
20. Letter from Col. Levi Pauling, of Marbletown, informing of the place of rendezvous of regiment of, ... 229
21. Appointment of field officers of the northern and southern regiments of minute men in, ... 229
22. Resolution, adopting the jail of, as the jail of Provincial Congress, and directing the confinement of prisoners therein, 231
23. Letter from Johannes Hardenbergh, requesting commissions for Abraham Hasbrouck as colonel, Johannes Snyder, lieutenant-colonel, and Jonathan Elmendorph and Adrian Wynkoop, majors, ... 232
24. Letter from committee of Kingston, requesting that committees of Kingston and Hurley may be permitted to nominate officers of said regiment, ... 232
25. Order of Provincial Congress thereon, ... 232
26. Affidavits relative to ill conduct of Samuel Devine, ... 247
27. Order for imprisonment in jail of Godfrey Hains, a prisoner arrested and transmitted by New-Jersey Committee of Safety; and letter to committee of; answer of Kingston committee, ... 263, 278
28. Return of election of officers of a company of militia in Hanover precinct, ... 275
29. Letter from Col. Thomas Palmer, relative to the enlistment of minute men out of the town or county in which they reside, &c., ... 277
30. Recommendation by committee of field officers for northern regiment in, ... 295
31. Letter from Severyn T. Bruyn, declining office of adjutant in Col. Thomas Palmer's regiment, ... 295
32. Letter from chairman of Marbletown committee, relative to election of officers in the southwest district of said town; petition of John Hasbrouck and others; report of committee thereon, and answer of Provincial Congress, . 295, 303, 304
33. Letter from Thomas Palmer, transmitting recommendation, by New-Marlborough committee, of William Martin, as captain in the Colonial troops, ... 301
34. Letter from chairman of committee of Kingston, recommending appointment of sundry officers in regiment of militia in, enclosing letter from Gen. Schuyler, ... 351
35. Letters from Col. Abraham Hasbrouck, Johannes Snyder and others, field and staff officers of northern regiment in, returning their commissions, ... 358
36. Answer of Provincial Congress thereto, ... 359
37. Petition of sundry inhabitants of Marbletown, to be embodied as a company of grenadiers in Col. Levi Pauling's regiment; and choice of officers, ... 373, 374
38. Return of election of officers of company of militia in Hanover precinct, ... 429
39. Directions to committee of, for the delivery of arms taken from disaffected persons, to Lieut. Col. Livingston, for the use of Col. Clinton's regiment, ... 430
40. Return of election of officers in the precinct of New-Windsor, ... 452
41. Names and credentials of Deputies from, to third Provincial Congress, ... 460
42. Letter to committee of, requesting the transmission of proceedings of, relative to the election of Deputies, and explanation of contradictory credentials to Provincial Congress; answer of committee, ... 460, 467, 499
43. Return of election of officers of a minute company at Newburgh, ... 461
44. Letter from committee of, transmitting examination of James and Lemuel Monger, on charge of counterfeiting bills of credit of the Continental and Colonial emission, ... 461
45. Return of election of ensign of Captain Jochem Shoemaker's company, in Marbletown, ... 465
46. Return of election of ensign in Captain Bowdewine Tarepenning's company of militia, in New-Marlborough, ... 471
47. Return of election of ensign in Captain Jackson's company of militia, in Hanover precinct, ... 491
48. Letter from Provincial Congress to committee of New-Windsor, relative to complaint of the sale of tea by Mrs. Jonathan Lawrence, at a price beyond that prescribed by Provincial Congress, ... 494, 495
49. Names and credentials of Deputies from, to Convention, ... 521
50. Reference to committee of, of petition of Samuel Smith and Cadwallader Colden, Jr., prisoners confined in jail of, ... 525
51. Resolutions of Convention, for calling into service one-fourth of the militia of, and directions for arrangement, pay, bounty, and subsistence of, ... 525, 526
52. Appointment of field officers of regiments of militia in, ... 528
53. Letter to committee of Rochester, in, relative to difficulties in Capt. Petrus Schoonmaker's company, ... 529
(See Indians, 2.)

PAGE.

ULSTER COUNTY—CONTINUED.

54. Certificate of election of officers in Capt. Henry Van Keuren's company of militia, in Hanover precinct, ... 546
55. Letters from chairman of Kingston committee, transmitting information of the desertion of sundry disaffected persons, and of the movements of the Indians under the command of Butler, &c. &c., ... 549
(See Clinton, George.)
56. Certificate of the election of officers in the train band of the northeast district of the precinct of Mamacotting, ... 565, 566
57. Report of committee relative to the removal of prisoners from Kingston to Morristown, in New-Jersey, &c., ... 576, 577
58. Militia of, ordered to be in readiness to march at a moment's warning, ... 591
59. Report of committee respecting the expediency of calling out the militia of, ... 606
60. Resolution of Committee of Safety, directing the completion of the levies of the militia of, for the reinforcement of the garrison at the Highlands, ... 621
61. Certificate of election of officers of company of militia in Mamacotting precinct, ... 646
62. Letters from Andries De Witt, Johannes Sleght, and D. Wynkoop, Jr., transmitting communication from sundry inhabitants of Papaconk, relative to an apprehended invasion from the Indians, and rumours of their movements; proceedings of Convention thereon; and resolution for holding a treaty with, ... 656, 662
63. Return of election of officers of company of militia in the precinct of Shawangunk, ... 658
64. Resolution of Convention, directing committee of, to provide for defence of their frontiers by detachment from militia, . 663
65. Detachment of militia of, ordered to Peekskill, ... 669
66. Letter to Johannes Sleight, at Kingston, relative to the procuring of salt, ... 698
67. Letter from chairman of committee of, transmitting information of the apprehension of Henry Winck and James Briggs, for passing false money; resolutions of Committee of Safety for examination and imprisonment of, ... 708
67. Letter from chairman of Kingston committee, respecting riots and disturbances of mobs, &c. owing to the storage there of tea, ... 714
68. Resolutions of Committee of Safety, directing the militia of, to repair to Chester, in Orange county, under the command of Gen. George Clinton, to co-operate in harrassing the enemy in New-Jersey, and in defending the passes of the Highlands, ... 746
69. Resolutions of Committee of Safety, directing Gen. Clinton to dismiss the two regiments of militia belonging the north end of, and to draft 200 men, to repair to the Flats in Rhinebeck precinct, ... 757
(See Clinton, George, 13.)
70. Committee of Kingston directed to make an inventory of personal property belonging to persons joining the enemy, ... 821
71. Requisition on Treasurer in favour of committee of, for loan to, ... 831
72. Letter from Convention to committee of, relative to charges against the committee for detecting conspiracies, &c. for partiality and neglect of duty, ... 839
73. Return of coroner's inquest on the body of Benjamin J. Low, killed by the casual discharge of a gun in the hands of Coenradt Edmondus Elmendorph; bail for appearance of said Edmendorph, at the next court of oyer and terminer therein, ... 862
74. Requisition on Treasurer in favour of committee of, for stockings and blankets purchased for the use of the troops, 883
75. Letter from John Hornbeck, chairman of committee of Rochester, enclosing copies of a speech from said committee, to all the Esopus Indians and their chiefs, and Mightagh, the sachem, and the answer from the Indian thereto, ... 900
76. Resolutions of Convention for raising three companies in, for the protection of the Continental frigates at Esopus Landing, the public records and treasury, and the various passes and roads; officers of, &c. 905
77. Letter from Jacob Hasbrouck, chairman of committee of Marbletown, accompanying the transmission of Cornelius Sammons as a prisoner; examination and discharge of, ... 906
78. Appointment of Egbert Dumont as Sheriff of, ... 912, 917
(See Resolutions of Convention, 137.)
79. Appointment of judges of, ... 913, 917
80. Appointment of George Clinton clerk, ... 917
81. Election of officers in three companies of militia, in Rumbout's precinct in, ... 938
(See Rangers, 16.)
82. Resolutions of Council of Safety, for the removal of the records of, to Rochester in, ... 1016
83. Resolutions of Council of Safety for discharging Cornelius C. Schoonmaker and Jno. Sleght, Jr. from further superintendence of the poor in, and appointing Abraham Bevier commissioner therefor; provision for settlement of accounts of said Schoonmaker, ... 1095
84. Resolutions of, committee of appointing commissioners for granting licenses in, for the transportation of flour, &c. 1095
85. Letter from committee of, relative to the appointment of members of, by late Convention, ... 1096

PAGE.

ULSTER COUNTY—CONTINUED.
86. Letter from committee of, respecting provision for families of persons taken or slain in the defence of Fort Montgomery, 1096

UNADILLA. (See Tryon County, 35.)

UNIFORMS.
1. For Colonial troops, ordered, 65, 385

UNITED COLONIES.
1. Resolutions of Continental Congress, declaring what acts shall constitute treason against; and recommending the passage of laws for the punishment of such crime, 506

V.

VAN ALEN, JOHN, lieutenant colonel of eighth regiment of militia in the county of Albany.
1. Information and proceedings against by committee of Albany county on charge of disaffection, 855, 856
2. Petition of Nancy Van Alen, wife of, for relaxation of confinement or discharge of, 874

VAN BRUYCK, OR VER BRUYCK, HENDRICK VAN DE LINDEN.
1. Appointment of, as major of regiment of militia in Orange county, 528
2. Application of, for dismissal from service by reason of ill health; granted, 587

VAN BUREN, HARMEN.
1. Appointment of, as major of the seventh regiment of militia of Albany county, 610

VAN CORTLANDT, AUGUSTUS.
(See Records, 8.)

VAN CORTLANDT, PHILIP.
1. Appointment of, as lieutenant-colonel, and muster master to fourth regiment, 62, 96
2. Authorized to borrow money on credit of Provincial Congress for payment of two companies in 4th regiment, 100
(See Van Schaack, Goose, 4.)
3. Letter from, respecting supplies of clothing, arms and military stores, for troops of, encamped at Albany on their way to Ticonderoga, 137
4. Requisition on Treasurer in favour of, for recruiting and billeting Col. Wynkoop's regiment; directions to, to proceed to Albany therefor; and to wait on the Commander-in-Chief, 424
5. Requisition on Treasurer in favour of, for amount of bounty due his regiment, 832

VAN CORTLANDT, COL. PIERRE.
1. Letter from Convention to, directing the detachment of a portion of regiment of, to guard the provisions, &c. stored at or near Peekskill, 522
2. Letter from Convention to, relative to the relief of, 526
3. Letter from and Z. Platt, informing Convention of the station of the enemy at Haverstraw Bay; the number of militia there, and at Fort Montgomery, &c. 530
4. Letter from and Z. Platt, relative to the subsistence of the troops at Peekskill; requisition on Treasurer in favour of, 541
5. Letter from and Z. Platt, relative to the movements of the enemy, &c. 555
6. Requisition in favour of, for advances for support of troops, &c. 575
7. Chosen Vice-President of Convention, 676

VANDEPUT, CAPT. GEORGE.
(See Asia Ship, 3, 7.)
(See Weatherhead, John, 1.)

VANDERBILT, JOHN. (See Powder, 9.)

VAN GAASBECK, PETRUS.
1. Appointment of, as captain of a company in Albany county for the detection and suppression of conspiracies, 666
2. Requisition on Treasurer in favour of, for pay and subsistence of company of, 777

VAN NESS, JOHN.
1. Appointment of, as colonel of regiment of minute men in Dutchess county, 135
2. Letter from, informing Provincial Congress of the place of rendezvous of his regiment, in case of alarm, and requesting supply of ammunition, 200

VAN RENSSELAER, COL. ROBERT.
1. Letter from, to Convention, relative to the proceedings of sundry disaffected persons, and an insurrection of tories in Ballstown; proceedings of Convention thereon, 888, 889
2. Requisition on Treasurer in favour of, for expenses of journey to Yorktown, to meet committees of the middle States on public business, 900
3. Amount due, on pay and billeting rolls of the several companies in regiment of; and requisition on Treasurer in favour of, 935

VAN RENSSELAER, HENRY.
1. Appointment of, as major in the Continental regiment of militia in Albany county, 489

VAN RENSSELAER, HENRY, AND SONS.
1. Certificate of recommendation of, from the committee of Albany, as proper persons for the erection of powder mills at Claverack; and application for loan; resolution of Committee of Safety therefor, 423

VAN RENSSELAER, HENRY I.
1. Appointment of, as commissioner to superintend the loan office within this State, 707

VAN RENSSELAER, HENRY, I.
1. Bond of, for faithful discharge of the duties of commissioner of the loan office in this State, 823, 824
2. Resignation of; accepted, 838

VAN RENSSELAER, PHILIP.
1. Memorial of, respecting the purchase in Connecticut of barrelled pork for the use of Continental army; and letter from Provincial Congress to Gov. Trumbull, for permission to make such purchase, 109

VAN SCHAACK, GOOSE.
1. Appointment of, as lieutenant-colonel to second regiment, 62
2. Return of, state of regiment of, 96
3. Muster roll of, received and filed, 108
4. Letter from, at Albany, informing of the arrival of Colonels Clinton and Van Cortlandt with troops, on their march to Ticonderoga, and requesting supplies of arms and military stores, and of the discontent of the men for want of pay, &c. and answer of Provincial Congress, 130, 131
5. Receipt of, for powder, 177
6. Letter from, accompanying transmission of prisoners taken in Canada, 182
7. Letter from enclosing returns of regiment of, 851
8. Letter from, accompanying transmission of sundry prisoners of war taken at the northward, 1014, 1040

VAN VEGHTEN, SAMUEL.
1. Appointment of, as first lieutenant in Captain Jacobus Rosekrans' company, 100
2. Declension of, 112, 140

VAN VLECK, ABRAHAM H.
1. Petition of, expressing his contrition for violation of resolution of Continental Congress, and his engagement to prove himself a sincere friend to his country; proceedings thereon, 193

VAN VLECK AND KIP. (See Saltpetre.)

VAN WOERT, ISAAC.
1. Appointment of, as second lieutenant, 100

VAN ZANDT, JACOBUS.
1. Letter from, respecting measures for safety of Congress money, without Sandy Hook; and order of Provincial Congress thereon, 176
2. Purchase by, of pilot boat Bishop of Landaff, for public service; and appropriation for, 179

VAN ZANDT, PETER P.
1. Appointment of, as major of regiment of militia in the city of New-York, 209

VERGEREAU, PETER.
1. Appointment of, as ensign in Captain Ledger's company, 183

VERMONT. (See Green Mountain Boys.)
1. Certified extract of the proceedings of State Convention of, 995
(See Charlotte County.)
(See Cumberland County.)
(See Gloucester County.)
2. Resolutions of Congress, relative to the claims of, &c. as an independent State, 998, 999
3. Letters from Delegates in Congress respecting, 998, 999, 1000
4. Letter from Gouverneur Morris, respecting condition of, &c. 1011, 1012
5. Letter from Jonas Fay, Vice-President of Council of Safety of, transmitting an account of an engagement between General Stark, and the British troops, near Bennington, 1044, 1045
6. Letter from Gen. Benjamin Lincoln to Gen. Schuyler, transmitting an account of the battle of Bennington, 1045

VERPLANCK, SAMUEL. (See Bryson, Robert.)

VESSELS. (See Ships and Vessels.)

VIRGINIA.
1. Letter from Edmond Pendleton, President of the Convention of, transmitting preamble and resolutions of said Convention, instructing Delegation in General Congress from, to propose a declaration of independence of the United Colonies; answer of Provincial Congress, 475, 481
2. Letter from Francis Lewis, a Delegate from this State in Congress, informing Convention of the ratification by the Legislature of, of the articles of confederation, 1116

VOLUNTEERS.
(See Dutcher, Captain William.)
(See Le Dieu, Captain Abraham.)
(See Humphrey, Cornelius, 4.)

VOTERS. (See Qualification of Voters.)

VOTES.
1. How ordered to be taken in first Provincial Convention, 1
2. How ordered to be taken in first Provincial Congress, 8, 101
3. How ordered to be taken in second Provincial Congress, 206
4. How ordered to be taken in third Provincial Congress, 450

PAGE.

W.

WAITE, CAPT. BENJAMIN.

1. Company of rangers of, directed to repair to Kingston; requisition on Treasurer in favour of, ... 979
2. Letter from, to Council of Safety, respecting the refusal of his company to march to Kingston; resolutions of Council thereon, ... 1016

WALDRON, CAPT. ADOLPH. (See Lighthouse, 6.)

WARD, GEN. ARTEMAS.
(See Massachusetts Bay, 4.)

1. Appointment of, by Continental Congress as major-general, . 63

WARNER, COL. SETH.

1. Admitted to audience by Provincial Congress, ... 65
2. Money advanced to, by order of Provincial Congress, for services rendered by, in the reduction of Ticonderoga, ... 66
3. Chosen lieutenant-colonel by Green Mountain Boys, ... 107
4. Appointment by Provincial Congress, ... 130
5. Preamble and resolutions of Committee of Safety; and letter Continental Congress, requesting the recall of commissions granted to, and to officers of, ... 777, 778, 779
6. Letter from Committee of Safety to Continental Congress, relative to proceedings of, ... 820, 821
7. Instructions to Delegation from this State in Congress relative to the appointment of, to the command of a regiment in this State, ... 869

WARREN, JOSEPH.
(See Massachusetts Bay.)

WASHINGTON, GEORGE.

1. Letter from James Duane, in behalf of New-York Delegates in Continental Congress, transmitting information of appointment of, as Captain-General and Commander-in-Chief of the American forces, ... 47
2. Arrangement by Provincial Congress for reception of, ... 51, 54
3. Letter from Gen. Schuyler, relative to, ... 54
4. Address of Provincial Congress to, and appointment of committee to wait upon, ... 55
5. Answer of Gen. Washington, ... 56
6. Letter from Joseph Reade, Esq. secretary of, giving advice of the sailing of three men of war, &c. from Boston, ... 95
7. Letter from Provincial Congress to, requesting blank commissions for officers of New-York regiments, ... 99
8. Answer of Gen. Washington, ... 109
9. Letter from, apprising of the arrival at Boston of a vessel cleared for St. Croix, from New-York, loaded with provisions for the use of the British troops; and also of the probable removal of said troops from Boston to New-York; and resolutions of Provincial Congress thereon, .. 111
10. Intelligence from, to General Wooster respecting the movements of the British army, ... 125
11. Letter from, requesting ammunition, &c. 143
12. Answer of Committee of Safety, ... 143
13. Letter to, from Provincial Congress, transmitting information of Captain John Hamilton, ... 166
14. Letter from, informing of the departure of a British fleet from Boston; of the recall of Gen. Gage, and appointment of Gen. Howe to command of British army, &c. 170
15. Letter from, relative to movements of British fleet to the northward, ... 179
16. Answer of Provincial Congress; and requesting instructions relative to the deserters from camp of; apprehended and confined in Ulster county, ... 184
17. Letter from, transmitting information of the burning of Falmouth, by the British under command of Captain Mowatt, of the ship Canceaux, and of intended destruction of Portsmouth, ... 191
28. Letter from, relative to supply of military stores for use of Continental army, ... 201
29. Letter from, transmitting information of the reported embarkation of the British troops from Boston, ... 231
30. Requested to detach battalion from army at Cambridge to the defence of Canada, ... 265
31. Letter from, to Committee of Safety, transmitting information of embarkation of British troops from Boston; and their probable destination for Long island; and of the despatch of Gen. Lee, to the defence of the city of New-York, ... 277
32. Cannon forwarded to, at Cambridge, by order of the Committee of Safety, ... 280
33. Letter from, requesting a supply of arms; and answer of Provincial Congress, ... 313
34. Letter from Stephen Moylan, aid-de-camp of, to Lord Stirling, informing of the embarkation of ministerial army, from Boston, and their probable destination for New-York, ... 356
35. Request of, through Col. Mifflin, to Committee of Safety for the suppression of taverns and tippling houses in the city of New-York, as tending to debauch the soldiery; order thereon, ... 408
36. Letter from Committee of Safety to, requesting exchange of prisoners on board the Asia, ... 409
37. Letter from, to Committee of Safety, recommending the prohibition of all further intercourse with British ships of war; answer of committee, ... 411, 412
38. Recommendation to Committee of Safety by, through Adjutant-General Gates, to station proper persons for communication of signals on the approach of the enemy to the city of New-York; and for the appointment of corps of minute men or militia to repair immediately to such stations on any signal alarm, ... 412
39. Letter from, on the same subject, ... 318
40. Letter from, requesting information of the number of troops raised in the Province, and their condition, ... 419
41. Answer of Committee of Safety, transmitting list of field officers of the four regiments, and statement of their condition, and of moneys advanced to general officers, 420, 421
42. Letter from, respecting the command of the four New-York regiments, and transmitting the signals agreed upon in case of appearance of British fleet, ... 422
43. Answer of Committee of Safety, and response of General Washington, ... 425, 427
44. Letter from Committee of Safety to, respecting the command of the marine department on the lakes, ... 425, 426
45. Letter from, to Committee of Safety, transmitting resolution of Continental Congress relative to the supply of arms, . 426
46. Letter from, to Committee of Safety, informing of the arrest of Joseph Blanchard and Peter Poillon, on charge of traitorous correspondence with the enemy, ... 431
47. Appointment of secret committee to confer with on matters relating to the public defence, &c. 450
48. Letter from, to Provincial Congress, respecting the arrangement of posts and stations for the troops, ... 452
49. Information communicated by, to Provincial Congress, of the proceedings and designs of disaffected persons, and tories in Connecticut and Long island, ... 453
50. Letter from, informing of his departure for Philadelphia; and transmitting copy of instructions to Maj. Gen. Putnam, to act during his absence, ... 456
51. Vote of thanks of Provincial Congress to, for his services to the United Colonies, and his attention to the interests of the Colony of New-York, ... 486
52. Complimentary dinner to General and staff officers, by Provincial Congress, ... 491
53. Letter from, to Provincial Congress, respecting the purchase of provisions in the possession of certain disaffected persons on Long island; and relative to the obstruction of the navigation of the Hudson, ... 492, 493
54. Resolutions of Provincial Congress, tendering the use of the Colonial militia, whenever required; and authorizing to impress carriages and water craft, and to remove ships and vessels from Hudson's and East river, ... 503, 504, 512
55. Requested to disarm and secure sundry disaffected persons on Nassau island, ... 504
56. Letter from, to Provincial Congress, transmitting the report of a council of general officers recommending the removal of stock on Nassau and Staten islands, and respecting the most proper measures to be pursued in relation to disaffected persons; appointment of committee to confer with thereon, ... 509, 519
57. Letter from Convention to, informing of the passage of British ships of war up the Hudson river; the anchoring of frigates at Tarrytown, and the adoption of measures for the support of the inhabitants on shore, ... 523
58. Answer of, relative to the importance of defending the passes on the Hudson river, and watching the conduct of the tories, ... 523
59. Answer of Convention, ... 523
60. Resolution of Convention authorizing the abandonment of the city of New-York, at the discretion of, and the withdrawal of the troops at the north side of King's Bridge, . 524
61. Letter from Convention to, relative to the condition of the troops, and the movements of the British ships of war, requesting a loan from, for the public service, ... 527
62. Answer of, ... 533
64. Letter from Convention to, respecting the disposition of the stock on Nassau island, ... 534
65. Letter from Convention to, respecting the conduct of the tories in Monmouth county, New-Jersey, transmitting the examination of Balthazar De Hart, ... 543, 544
66. Letter from, to Convention respecting the propriety of laying an embargo upon all exportation of provisions, &c. . 545
67. Resolutions of Convention for the delivery to, of the telescope belonging to the college at New-York, ... 556
68. Letter from Convention to, relative to the appointment of Brig. Gen. Clinton to the command on Hudson's river, and to the succession of Major Schuyler to the command of the fortifications at the Highlands, &c, ... 557, 558
69. Letter from, transmitting intelligence received by, of the arrival of Gen. Clinton and his army at Staten island, together with part of Lord Howe's fleet with Hessian and Highland troops; and requesting reinforcements, ... 562, 563
70. Letter from, relative to the militia called forth from the counties of Dutchess, Ulster, Westchester and Orange; answer of Convention, ... 563, 564, 565
71. Letter to, enclosing resolutions of Convention for calling the militia to the fortifications beyond King's Bridge, &c. 564
72. Answer of Gen. Washington, ... 569
73. Letter from, informing of the apprehension of sundry disaffected and dangerous persons; answer of Convention, 569, 570
74. Letter from, recommending the removal of the women and

PAGE.

WASHINGTON, GEORGE—CONTINUED.

children from the city of New-York; resolution and answer of Convention, ... 578
75. Letter from, respecting the obstruction of the navigation of the East river, ... 578
76. Letter from Convention to, relative to the rumored burning of the city of New-York, ... 588
77. Report of committee appointed to wait upon, relative to calling out the Suffolk and Queens county militia for the protection of the stock on Nassau island, ... 589, 590
78. Appointment of committee to confer with, relative to the protection of the stock on Nassau island, ... 593
Letter from Convention to, transmitting information received from Col. Woodhull, relative to the proceedings of the enemy, ... 595
80. Answer of Gen. Washington, ... 599
81. Letter from Committee of Safety to, and answer of General Washington, ... 602, 604
82. Letter from, to Committee of Safety relative to the retreat of the army from Long island to New-York, and the inefficiency of the militia, &c. answer of Committee of Safety, ... 603
83. Letter from Committee of Safety to, respecting the readiness of the militia of Orange, Dutchess, Ulster and Westchester counties to march at a moment's warning, ... 606, 607
84. Letter from Convention to, transmitting resolutions authorizing, to cause all the bells in the churches and public edifices in the city of New-York, to be taken down and removed to Newark, to prevent their falling into the hands of the enemy, ... 611
85. Letter from, to Committee of Safety respecting the ordering out of the militia of the counties of Orange, Dutchess, Westchester and Ulster, ... 615
86. Letter from, to Committee of Safety, approving of the removal of the bells of the city of New-York to Newark, and recommending a reinforcement at the fortifications at the Highlands, ... 616
87. Letter from, to Committee of Safety, requesting the furnishing of sloops for the removal of the sick to Orange Town, 616
88. Answer of Committee of Safety, ... 616
89. Letter from, on the same subjects, ... 626
90. Letter from, requesting the sending of fire ships down the Hudson; order therefor, and answer of Convention, ... 637
91. Letter from, containing a particular account of the manœuvres of the enemy on their landing at New-York, and of their reception, and of skirmish at Harlem Heights, ... 642
92. Letter from Committee of Safety to, transmitting information of the movements of a portion of the British fleet up Hudson's river, ... 669, 670
93. Letter from, relative to regulations of Congress for the enlistment of the new army, and informing of the attack upon, and capitulation of Fort Washington, ... 712
94. Answer of Committee of Safety, ... 716
95. Letter from Committee of Safety to, respecting the employment of Gen. Schuyler in superintending the erection of works for the defence of Hudson's river, ... 722
96. Letter from Committee of Safety to, respecting the destruction of the court house and other buildings at White-Plains, by the Continental troops, ... 729
97. Letter from Committee of Safety to Gov. Trumbull of Connecticut, and Gen. Schuyler, informing of the presence of, at Trenton, with the army, ... 745
98. Letter from Committee of Safety to, requesting the countermanding of order to Gen. Heath, to leave his post at the Highlands, and go over with his division to the west side of Hudson's river, ... 748, 753, 754
99. Letter from Francis Lewis, informing of resolutions of Congress, investing with more ample powers for the regulation, of the army, &c. 764
100. Letter from Gen. George Clinton, transmitting intelligence of the battles of Trenton and Princeton, ... 765
101. Letter from Gen. Washington, ... 769, 770
102. Letter from Committee of Safety to, relative to clothing the troops detained at Fishkill, by order of the Convention, 782, 783
103. Letter from Committee of Safety to, congratulating on the success of the American arms, &c. 787
104. Letter from, recommending the passage of laws for the more effectual punishment of deserters, ... 789
105. Letter from, relative to detention of clothing at Fishkill, the condition of the fortress at Ticonderoga, and of public affairs generally, ... 804, 805
106. Letter from Committee of Safety to, relative to the exchange of sundry prisoners of war, ... 806
107. Letter from, relative to inoculating soldiers of the Continental army for the smallpox, ... 806
108. Appointment of, and instructions to committee to advise and confer with, relative to the reinforcement of the garrison at the Highlands; the appointment of a commander there, &c. &c. 813, 816
109. Report of committee, ... 831, 832
110. Letter to, from Convention, thereupon, ... 840
111. Letter from, giving information of the proceedings of the enemy, and requesting a reinforcement, ... 985
112. Letter from, relative to the expediency of an extension of the power vested in Gen. Clinton to call out the militia of Dutchess, Orange, Ulster and Westchester counties; answer of Council, ... 1013, 1014

PAGE.

WASHINGTON, GEORGE—CONTINUED.

113. Letter from Council of Safety to, respecting the critical condition of the northern army, ... 1019
114. Appointment of committee to confer with thereon, and relative to providing garrisons for the forts in the Highlands, 1019
115. Letter from Council of Safety to, transmitting the examination of Francis Horsman, a prisoner of war, relative to the strength and proceedings of the British army 1021
116. Letter from, to Gen. Clinton, respecting proceedings of, ... 1022
117. Letter from, to Gov. Clinton, respecting proceedings of, and requesting a reinforcement at the Highlands, ... 1027
118. Letter from, to Council of Safety respecting the condition of public affairs, ... 1032

WATKEYS, HENRY, (Gunsmith.)

1. Consultations with, respecting forging of gun-barrels, and making of muskets, and resolutions and proceedings of Provincial Congress, ... 30, 41, 51, 55
2. Agreement with, ... 62
3. Directed to provide William Mariner a musket in lieu of, and equal in value to the one lent by him as a pattern, ... 142

WATSON, BROOK.

1. Passport granted to, by Provincial Congress for travelling to Quebec, and conference with, ... 48

WAYS AND MEANS.

1. Appointment of committee of, ... 101
2. Report of, ... 105
3. Proceedings of Provincial Congress thereon, and resolutions for the emission of £45,000 to defray the expenses incurred by colony; for the emission of bills of credit in New-York currency for that amount, the quotas of the several counties, and provision for sinking, &c. 128, 133, 134
4. Report of committee of, on the dangers to which the Colony is exposed from intestine enemies, and the ways and means necessary to guard against those dangers; and proceedings of Provincial Congress thereon, ... 456, 459, 460
5. Appointment of committee to frame a law in accordance with such report, ... 461
6. Report of committee, and proceedings thereon, ... 464

WEATHERHEAD, JOHN.

1. Letter from, relative to certain reports circulated against, and certificate of Captain Vandeput, ... 154

WEBSTER, MAJ. ALEXANDER.
(See Charlotte County, 12.)

WEED, REUBEN.

1. Appointment of, as first lieutenant of Captain Davies' company, ... 577

WEEKS, JAMES.

1. Appointed sergeant-at-arms of Convention, ... 754
2. Appointed assistant commissary of arms, ammunition and military stores, at Fishkill, ... 774

WELLS, SAMUEL.

1. Requested to attend Committee of Safety, ... 145
2. Examination of, ... 145

WELSH, PATRICK.

1. Appointment of, as adjutant of militia regiment in the city of New-York, ... 209

WEMPLE, ABRAHAM.

1. Requisition on Treasurer in favour of, for payment for a quantity of saltpetre, ... 827

WENDAL, JOHN W.

1. Appointment of, as quarter-master second regiment, ... 62

WESTCHESTER COUNTY.

1. Names and credentials of Deputies from, to first Provincial Convention, ... 1, 2, 3
2. Proceedings of a general meeting of the freeholders of, at White-Plains, called for electing Deputies to such Convention, ... 2, 3
3. Names and credentials of Deputies from, to first Provincial Congress, ... 7, 8
4. Appointment of member of Committee of Safety for, ... 70
5. Letter from committee of, respecting unfavourable dispositions of officers of militia of, ... 91
6. Petition of inhabitants of the manor of Fordham and West Farms, setting forth the inconvenience of being joined in one company with those of the borough of Westchester, and praying to be formed into a separate company, ... 138
7. Letter to committee of, thereupon, ... 138
8. Answer of committee; enclosing affidavit of William Hadley, respecting declarations of John Cock, chosen a captain by the inhabitants of the Yonkers, ... 145
9. List of field officers in, received and filed, ... 145
10. Provision for impressment and appraisal of arms in the hands of persons not signing the general association in, 149, 150
11. Petition of Daniel Dean and others of Yonkers, for appointment of John Cock a captain, ... 151
12. Affidavits of Isaac Greene and George Hadley respecting declarations of John Cock, disrespectful to Provincial Congress; proceedings of Committee of Safety thereon; and letter to committee of Yonkers, directing a new election of captain in the place of said John Cock, ... 152
13. Letter from chairman of committee of, enclosing affidavits

PAGE.

WESTCHESTER COUNTY—CONTINUED.

respecting disorderly conduct of Godfrey Haines; and answer to, ... 159
14. Order for commitment of said Haines, ... 160
15. Letter from chairman of committee of, enclosing list of officers of two companies of minute men; and commissions ordered for, and for two companies of minute men in the manor of Cortlandt, ... 185
16. Letter from sub-committee of, communicating particulars of a plot against the public liberties, transmitting examination of Philip Pinkney; and requesting the action of Provincial Congress, ... 192, 193
17. Examination of Gilbert Budd and G. B. Horton, respecting the details of such plot, ... 193, 194
18. Letter to committee of, respecting, ... 194
19. Letter from chairman of committee of White-Plains, relative to inimical conduct of Jer. Francis, and Jer. Francis, Jr. 202
20. Names and credentials of Deputies from, attending second Provincial Congress, ... 206
21. Letter to Governor of Connecticut, respecting the conduct of certain insurgents from Colony of, and vote of thanks to inhabitants of said Colony, assisting in the suppression of, ... 213, 214
22. Permission to William Sutton, to return to his house in, on engaging to deliver himself up to committee of, ... 221
23. Examination and deposition of Benjamin Hunt, ordered to be delivered to, ... 222
24. Return of officers of company of militia at White-Plains, manor of Scarsdale, and north end of Salem, ... 255
25. Lieut. Col. Graham ordered to detach company of minute men for the protection of the cannon near King's Bridge, 261
26. Letter from Col. Joseph Drake and sub-committee of, respecting persons suspected of spiking the cannon beyond King's Bridge, and order for arrest of sundry persons, 270, 271, 273
27. Letter from chairman of committee at White-Plains relative to powder sent by Committee of Safety, ... 287
28. Certificates of election of officers in Harrison's precinct and North Castle 288
29. Resolution of Committee of Safety, requesting the committee of the county to prevent the transportation of barrelled beef or pork, ... 289
30. Letter to committee of, respecting, ... 289
31. Letter from Samuel Drake, colonel of the regiment of minute men in, relative to the supply of arms, &c. 304
32. Application from committee of, relative to pay of Captain James Varian; and order of Provincial Congress thereon, 304
33. Report relative to arms taken by Col. Waterbury, from the tories, ... 305
34. Return of officers of a company of minute men in Colonel Drake's regiment in Harrison's precinct; and requisition on Treasurer for advance to Col. Drake, ... 314
35. Committee of directed to permit Wm. Ritchie to transport a certain quantity of pork and beef out of, ... 315
36. Return of election of officers of the troop of, ... 316
37. Recommendation and appointment of officers in Col. Drake's regiment, ... 319, 320
38. Directions to Provincial commissary to receive from Colonel Waterbury the arms taken from sundry disaffected persons in, for appraisal and description, ... 321
39. Requisition on Treasurer for pay of Colonel Samuel Drake's regiment of minute men, ... 328
40. Return of officers of militia company in Col. Samuel Drake's regiment of minute men, ... 331

(See Drake, Col. Samuel.)
(See Graham, Lieut. Col. Lewis.)

41. Order for establishment of a magazine of military stores and provisions in, ... 336, 350
42. Cols. Joseph Drake and Thomas Thomas, directed to draft 200 men from regiments of, for defence of the city of New-York, ... 361
43. Regulation of committee of Safety respecting the purchase of barrelled pork in, ... 371
44. Committees of, directed to permit the exportation of provisions from, by Abraham Livingston, to New-York, ... 376
45. Return of officers of militia company in Eastchester, ... 382
46. do do do in Yonkers, ... 382
47. Direction to committee of, to take measures for the arrest of counterfeiters of Provincial currency, ... 414
48. Directions to committee of, to take measures for the apprehension of Thomas Gibson and Robert Hamilton, on charge of enlisting men for the ministerial service, ... 430
49. Examination of Charles Friend, relative to the persons in, engaged in counterfeiting Provincial currency; and order for the arrest of Henry Dawkins, Israel Youngs, Isaac Youngs, Isaac Ketchum, and John Anderson, ... 437
50. Examination of Jeremiah Wool and Isaac Ketchum, Thomas Henderson, Henry Dawkins and Isaac and Israel Youngs, 443, 444, 445, 446, 447
51. Names and credentials of Deputies from, to third Provincial Congress, ... 443
52. Committee of, requested to deliver to Col. Ritzema arms taken from different persons, ... 456
53. Return of election of officers of grenadier company in Colonel Thomas Thomas' regiment, ... 465
54. List of tories and disaffected persons in, and resolution of Provincial Congress for proceedings against, ... 477

PAGE.

WESTCHESTER COUNTY—CONTINUED.

55. Appointment of Lewis Morris, brigadier-general, and Lewis Morris, Jr. brigade-major of the militia in, ... 482
56. Letter from committee of Salem, in, requesting directions of Provincial Congress respecting the treatment of disaffected persons and tories, ... 485
57. Answer of Provincial Congress, ... 486
58. Report of committee recommending the raising of a body of 50 men in, for quieting and apprehending disaffected persons, ... 499, 500, 503
59. Appointment of Micah Townsend as captain of said body, ... 503
60. Adjournment of Provincial Congress, and removal of public treasures, records and military stores to the White-Plains, in, ... 512
61. Names and credentials of Delegates from, to fourth Provincial Congress, ... 515
62. Letter from Convention to Lieut. Col. Hammond, at Tarry Town, informing of the transmission of supplies and a reinforcement to, and directing to keep a strict watch on the movements of the tories, ... 522, 523
63. Letter from Convention to Lieut. Col. Hammond, at Tarry town, relative to relief to militia under command of, at Tarry Town, ... 524
64. Resolutions of Convention for calling into service one-fourth part of the militia of; and directions for arrangement, pay, bounty and subsistence of, ... 525, 526
65. Committee of, requested to cause William Sutton and John Sutton, to be placed in custody, ... 542

(See Hammond, James, Lieut. Col.)
(See Clinton, George.)

66. Certificate of election of officers in Capt. Micah Townsend's company, ... 575
67. Militia of, ordered to be in readiness to march at a moment's warning, ... 601
68. Letter to committee of, respecting an apprehended correspondence with the enemy, ... 605
69. Report of committee relative to expediency of calling out militia of, ... 606
70. Reference to committee of, of allegations against Joseph Reade, a reputed tory, ... 619
71. Resolutions of Convention, requesting Gen. Morris, one of the Delegates from this State in Congress, to return and resume the command of his brigade in, ... 627
72. Resolutions of Committee of Safety, appointing Stephen Ward as commissary for the purchase of all the cattle in, for the use of the army at Kingsbridge; appointing commissioners to drive the remaining stock off of, lying upon the sound or Hudson's river, into the interior; directing the farmers to thresh out their grain, and authorizing the purchase thereof, for the use of the army, at reasonable prices, ... 673, 674
73. Committee appointed to inquire relative to the safety and preservation of the public records of the loan officers and supervisors of, ... 692

(See White Plains.)

74. Resolutions of Committee of Safety, respecting the disposition of the stock removed from the lower part of the county of, ... 729
75. Colonels Malcolm and Thomas, with their regiments, together with the militia, and three companies of rangers of, directed to remove the stock and grain from, ... 749
76. Colonel Henry B. Livingston requested to repair with the troops under his command, to this State, to oppose the ravages of the enemy in, ... 750
77. Letter from Lewis McDonald, chairman of committee of, relative to the poor sent from New-York into, and the effects of sundry prisoners on parol, who have escaped, ... 767
78. Letter from Lewis McDonald, accompanying James Miller, a dangerous and disaffected person, and transmitting the evidence against him, ... 776
79. Resolution of Committee of Safety, prohibiting the purchase or manufacture of wheat, flour, pork, beef, or other produce, beyond an amount requisite for the use of their families, by the inhabitants of, unless under certain restrictions, ... 806
80. Letter from William Duer, chairman of committee of convention, relative to condition and movements of the troops in, ... 808, 809
81. Appointment of commissioners for superintending the removal of grain, forage, cattle, &c. from; for the security and protection of the inhabitants of, and their removal, when necessary; and for the seizure and sale of the property of inhabitants joining the enemy, ... 811, 860
82. Requisition on Treasurer in favour of committee of, and others, for expenses incurred in supporting the poor from the city of New-York, ... 812, 813
83. Appointment of, and instructions to, committee to confer with Gen. McDougall and others, relative to the number and duty of the forces in, &c., ... 813, 816
84. Resolutions directing companies of volunteers under command of Col. Humphreys and Capt. Gray, to march to the protection and defence of; authorizing commissioners to raise an additional number of volunteers, under the command of Lieut. Col. Hammond and Major Nicholas Fish; and advising Gen. McDougall to detach a portion of the Continental troops from Fishkill, for the protection of, ... 821

PAGE.

WESTCHESTER COUNTY—CONTINUED.

85. Letter to committee of, ... 822
86. Appointment of committee to provide permanent means for the protection and defence of, ... 851
87. Letter from Israel Honeywell, Jr. respecting the proceedings of the enemy in, ... 856
88. Resolution of Convention, directing Brig. Gen. McDougall and George Clinch to provide for the security and protection of, ... 869
89. Receipt of Vice Treasurer to auditor-general for pay rolls and other accounts of moneys paid to militia of, ... 902
90. Appointment of John Thomas, Jr., as sheriff of, ... 912, 917
91. Appointment of judges of, ... 913, 917
92. Appointment of John Bartow as clerk; declension of, .. 917, 978
93. Resolutions of Convention, appointing commissioners for the settlement of the accounts for the purchase and removal of forage and grain in, ... 929
94. Letter from William Duer, relative to such accounts, ... 936
95. Letter from William Duer, transmitting accounts and vouchers, ... 954, 954
96. Letter from Council of Safety to commissioners of sequestration in, ... 968
97. Letter from Council of Safety, respecting the effects of Peter Corney, claimed by his son-in-law, Mr. Kennedy, ... 986
98. Letter from General Putnam, respecting proceedings of commissioners of sequestration in; and answer of Council of Safety, ... 1030, 1031
99. Report of committee, and resolutions of Council of Safety, relative to pay and subsistence rolls of the men raised by order of the committee of, for the defence of, ... 1055
100. Resolutions of Council of Safety, directing the delivery of a quantity of salt to committee of, ... 1081
101. Information given by Lieut. Col. Hammen, of the wretched condition of, ... 1107
102. Resolutions of Council of Safety for the defence of, ... 1108

WEST, JOHN.

1. Petition of, for relief 21

WEST POINT. (See Highlands.)

WHEELOCK, JOHN.

1. Appointment of, as a major in the service of this State, with power to raise in the State of New-Hampshire, and recommend officers for three companies of militia, to serve during the war, under the direction of this State, and to rendezvous at Fishkill; appropriation in favour of, ... 865, 870
2. Resolution of Convention, for payment of the companies to be raised, ... 869, 870
3. Commission to, ... 871
4. Petition of, for an extension of the time allowed for filling up such company; resolution of Council of Safety thereon, 946, 947
5. Appointment by, of Saml. Paine as captain, and Eleazer Wheelock as lieutenant, confirmed; and company ordered to repair to Fishkill, ... 947
6. Certificate of number of men under command of, ... 981
7. Requisition on Treasurer in favour of, ... 985
8. Resolutions of Council of Safety, relative to the disposition of the companies raised by, ... 1002
9. Letter from, to Council, ... 1026
10. Report of committee on memorial of, ... 1051, 1052
11. Gen. Scott appointed to confer with, ... 1052

WHITE, ALEXANDER.

1. Statement of case of, ... 126
2. Copy of letters from Sir John Johnson to, ... 126
3. Affidavit of William Biddle, respecting certain declarations of 153
4. Petition of Elizabeth White, for discharge of, on parol, ... 163
5. Petition and papers relative to case of; referred to Albany committee, ... 167
6. Letter from Provincial Congress to committee of Tryon county, respecting the proper course to be pursued in relation to, ... 212

WHITE, CAPT. GEORGE.

1. Requisition on Treasurer for enlistment money for part of the second battalion of Continental troops, raised in 1775, ... 744

WHITE, HENRY.

1. Intercepted letter to, from Governor Martin, of North Carolina, ... 68
2. Appointment of committee to confer with, ... 68
3. Report of, ... 68
4. Letter from, to Provincial Congress, ... 69
5. Exculpation of, from all blame, ... 69

WHITE, HENRY.

1. Appointment of, as surgeon to Col. Isaac Nicoll's regiment of militia, ... 557

WHITE PLAINS. (See Westchester County.)

1. Adjournment of Provincial Congress, and removal of public treasures, records, and military stores to the court-house in, ... 512
2. Letter from Committee of Safety to Continental Congress, relative to the wanton destruction of the court-house at, by the American troops, ... 723, 724
3. Resolutions of Committee of Safety, relative to such destruction of property; and letter to Gen. Washington thereon, . 729

PAGE.

WICKHAM THOMAS.

1. Desires advice of Provincial Congress, as to taking pay for stock taken off Gardiner's island, by armed vessels, for the use of the King's troops, ... 35
2. Leave of absence to, for protection of stock against attempts of King's troops to remove, ... 105

WILLETT, MARINUS.

1. Letter from, and others, soliciting allowance of clothing for the troops, ... 89
2. Recommended to Continental Congress, by Committee of Safety, for the vacant majority in Col. McDougall's regiment, ... 424

WILLIAMS, BEDFORD.

1. Appointment of, as surgeon's mate of 2d regiment, ... 108, 121

WILLIAMS, HENRY.

1. Election of, as chairman of Committee of Safety, ... 71

WILLIAMS, JOHN.

1. Appointment of, as surgeon, ... 62

WILLIAMS, WILLIAM, Major.

1. Report from, respecting impressments of arms in Queens county, ... 157

WISNER, HENRY.

(See Continental Congress, 58.)
(See Pennsylvania, 1, 2.)

1. Letter from Provincial Congress to, requesting information as to quantity of powder on hand in mill of, and as to ability to manufacture, ... 337
2. Letter from, respecting progress of powder mill of, ... 395
3. Answer of Committee of Safety, ... 395
4. Recommendation of, and John Carpenter, as partners, by committee of Dutchess county, for the erection of powder mills, ... 423
5. Requisition on Treasurer in favour of, for repairing road in Orange county, ... 696
6. Requisition on Treasurer in favour of, for spears for the use of the militia, ... 697
7. Letter from, respecting the condition of the militia in Orange county, ... 756
8. Requisition on Treasurer in favour of, for saltpetre for the use of the State, ... 845, 915
9. Requisition on Treasurer in favour of, for apprehending a number of disaffected persons, ... 877
10. Requisition on Treasurer in favour of, for premium for erection of powder mills, ... 921
11. Vote of thanks to, for his long and faithful services as a Delegate in Continental Congress, ... 931
12. Report of committee relative to accounts of, with the State; and resolutions of Convention thereon, ... 1112

WISNER, HENRY, JR.

1. Recommendation of, and Major Philips as partners, by committee of Ulster county, for the erection of powder mills, and application of, for loan of money therefor; order of Committee of Safety therefor, ... 423, 438
2. Requisition on Treasurer in favour of, for bounty on the manufacture of gunpowder, ... 683
3. Requisition on Treasurer in favour of, for premium for the erection of powder mills in Ulster county, ... 687

WOODHULL, CAPT. EBENEZER.

1. Letter from, relative to pay for his company of troopers in Orange county, and requisition on Treasurer therefor, .. 768, 888
2. Requisition on Vice Treasurer in favour of, on account of pay and subsistence of his troop, ... 1070

WOODHULL, COL. NATHANIEL.

1. Elected President of Provincial Congress, ... 205, 448, 515
(See Suffolk County, 53.)
2. Directed to march one-half of the western regiment of militia in Suffolk county, into the western part of Queens county, for the protection of the stock and provisions, ... 586, 588
3. Letter from Convention to, informing of the appointment of Robert Townsend as commissary to troops under command of, &c., ... 590
4. Instructions to, ... 590, 591
5. Letters from, respecting his proceedings, ... 593, 594, 596
6. Directed to cause the stock on the sea coast of Long island to be driven into the interior, ... 594
7. Authorized to destroy such stock as can not be removed, ... 596
8. Taken prisoner by the British on Long island, ... 605
9. Resolutions of Convention for negotiating an exchange of, .. 630
10. Letter from John Sloss Hobart, transmitting intelligence of the death of, ... 671

WOODRUFF, HUNLOCK.

1. Certificate of examination, and appointment of, as surgeon's mate to 1st regiment, ... 85

WOODRUFF, HUNLOKE.

1. Appointment of, as surgeon of the 3d regiment, commanded by Col. Rudolphus Ritzema, ... 470

WOODWARD, PHILIP.

1. Vote of thanks to, for his exertions in the public service, ... 432

WOOL CARDS.

1. Resolution offering a bounty for the manufacture of, ... 697

WOOLHAUPTER, DAVID.

1. Petition of, to be employed in making drums and fifes, ... 75

PAGE.

WOOL, ISAIAH.

1. Appointment of, as lieutenant fire worker in Captain John Lamb's company, ... 97

WOOSTER, MAJ. GEN. DAVID.

1. Letter from Provincial Congress to, respecting safe keeping and security of Angus McDonald, ... 43
2. Order of Provincial Congress and letter to, requesting him to march his troops to within five miles of the city of New-York, ... 44
3. Answer of Gen. Wooster, ... 45
4. Letter from Provincial Congress to, transmitting information of the movements of British ships of war, with troops from the coast near Sandy Hook, eastward to Boston, ... 45, 46
5. Answer of, ... 47
6. Letter from Provincial Congress to, ... 47
7. Report of committee respecting proper place for encampment of troops of, ... 55, 59
8. Letter from Gen. Schuyler, respecting tents and fuel for, ... 60
9. Appointment of, by Continental Congress, as brigadier-general, ... 63
10. Letter from, to Provincial Congress, respecting apprentices and servants enlisted in the Connecticut troops, and reclaimed by their masters in New-York, ... 68
11. Proceedings and resolutions of Provincial Congress thereon, 68
12. Letter from, respecting case of Peter Herring, ... 71
13. Order to, to bring said Herring before the Committee of Safety; and answer of committee, ... 71
14. Charges of, and proceedings and resolutions of Committee of Safety respecting, ... 75
15. Letter to, and appointment and report of committee to confer with, respecting alleged detention of part of boat's crew of ship Asia, &c., ... 77
16. Letter from, requesting permission for removal of camp to Harlem; appointment of commissioners to contract for ground and superintend removal; letter to, from Committee of Safety, and report of committee, ... 79, 80, 82
17. Appointment of committee to ascertain damage to owner of ground where troops of, had been encamped, near New-York, ... 83
18. Report of committee, ... 93
(See Albany City and County.)
19. Application to, by Provincial Congress, for loan of a quantity of gunpowder; and request to send troops to Long island, to assist inhabitants in preventing the taking off of stock by the King's troops, for the use of the army at Boston; said troops to be under the command of Col. Phineas Fanning, ... 101, 102
20. Letter from Provincial Congress to, directing to remain with troops of, at Long island, ... 108
21. Letter from Provincial Congress to, directing return of, to camp at Harlem, ... 110
22. Letter from, transmitting intelligence from Gen. Washington relative to the movements of the British, and recommending to guard Queens county, ... 125
23. Requested to order a company of troops for defence of the fortifications at the Highlands, ... 146

PAGE.

WOOSTER, DAVID—CONTINUED.

24. Answer of, and reply of the Committee of Safety, ... 149
25. Reply of; and correspondence ordered to be transmitted to Continental Congress, ... 151
26. Letter of Committee of Safety to Continental Congress, ... 152
27. Directed to forward a portion of troops of, for defence of forts on the North river, ... 172
28. Letter from William Duer, chairman of committee of Convention, relative to movements and proceedings of troops under command of, in Westchester county, ... 808, 809
29. Letter from, relative to proceedings of, and transmitting a letter from Capt. Alexander Grant to Gen. Heath, enclosing one to Mrs. Grant, ... 816

WYCKOFF, HENRY.

1. Appointment of, as commissary of the troops at Fishkill, ... 679
2. Declension of, ... 686

WYNCKOOP, MAJOR ADRIAN.

1. Requisition on Treasurer in favour of, for pay and subsistence of detachment of, while guarding the passes of the Highlands, ... 775

WYNCOOP, CORNELIUS D.

1. Appointment of, as major 3d regiment, ... 62
2. Appointment of, as lieutenant-colonel, ... 98
3. To muster Capts. Brown and Hasbrouck's companies, ... 98
4. Ordered to command of Albany and Tryon county troops, 4th regiment, ... 424

WYNKOOP, JACOBUS, CAPT.

1. Memorial of, relative to rank and situation of, in Colonial troops, ... 107
2. Ordered to enlist mariners for service on the lakes, under direction of Gen. Schuyler, ... 408
3. Letter from Committee of Safety to Gen. Washington, respecting command of, on the lakes, ... 425, 426
4. Letter from, to Council of Safety, relative to, ... 1034

WYTHE, GEORGE. (See Continental Congress, 81.)

Y.

YATES, CHRISTOPHER. (See Tryon County, 1.)

YATES, CHRISTOPHER P.

1. Appointment of, as captain in Tryon county militia, in place of John Fry, declined, ... 103

YATES, ROBERT.

1. Delivery by, to Provincial Congress, of sundry speeches and documents relative to Indian affairs, ... 95
2. Election of, as a judge of the supreme court, ... 910

Z.

ZEDWITZ, HERMAN.

1. Appointed major of 1st regiment, ... 80

7700841 70